

HISTORY AND GOVERNMENT
OF MISSOURI
MUIR



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Book 1

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HISTORY AND GOVERNMENT OF MISSOURI

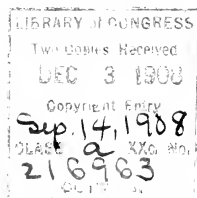
BY

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PREFACE

The following chapters aim to give in reasonable compass the essential facts in the history and government of the state of Missouri. The author is fully aware that much of interest in the history of the state has been omitted and that many of the details of the state and local government have not been described. He has constantly kept in mind, however, the needs of those for whom this work is written, and also the limited amount of time in the public school curriculum that can be allotted to Missouri history and civics, and it is his hope that the book will fill its place acceptably in the work of the seventh and eighth grades or in the first year of the high school.

The real teacher will not be satisfied with the necessarily brief discussions in the text, but will seek all available material with which to vitalize the subject and increase the interest of the pupils. Throughout the work the teacher should appeal as often as possible to the actual knowledge and experience of the class. In the confirmation or illustration of the various topics this appeal will always prove to be very stimulating and the results in most instances will be quite satisfactory. The work will be much better, too, if the teacher has access to a few books which really

supplement the text. The following list of books will make a very good reference list for this purpose.

CARR, LUCIEN, *Missouri: a Bone of Contention*. American Commonwealth Series.

Official Manual of the State of Missouri. Compiled and published by the Secretary of State.

Constitution of the State of Missouri, with all Amendments to 1903. Compiled and published by SAM B. COOK, Secretary of State.

Though the question whether state or local government should be studied first does not seem to the writer a necessarily vital one, still it is believed that the order here followed is the natural and logical one and the soundest pedagogically. It is also the writer's view that any list of questions finds its chief usefulness in suggesting the attitude to be taken toward the text. They should never be followed slavishly or to the exclusion of spontaneous classroom discussion.

J. T. M.

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PART I

HISTORY OF MISSOURI

CHAPTER I

EXPLORATION AND SETTLEMENT

Ponce de Leon, a Spanish adventurer, may be regarded as the forerunner of those explorers — both Spanish and French — whose labors first made known the interior of the American continent. As early as 1512 he fitted out three ships in the island of Porto Rico and sailed from there for the mainland. He landed on the eastern coast of Florida on Easter Sunday, and as this day was called by the Spaniards Pascua de Flores (Holy Day of Flowers), the country thus discovered was given the name of Florida. This expedition did not affect the history of Missouri except in so far as his glowing accounts of the American mainland influenced other explorers to carry on the work thus pointed out.

Among those probably influenced by these exaggerated reports was Hernando de Soto, — a soldier of fortune who had been with Pizarro in the conquest of Peru. Having obtained from Emperor Charles V a commission to take possession of Florida, he sailed from Spain with a fleet of nine ships and six or seven hundred men. He touched at the island of Cuba — the original center of Spanish activity in the New World — and then proceeded to the mainland, landing in Tampa bay, Florida, in 1539. For two years he marched through the country to the westward and northward, and on April 25, 1541, he probably reached the Mississippi river a few miles below the present site of Memphis, Tennessee. Though his movements are very uncertain, it is

thought that he crossed the Mississippi after a brief delay and pushed his way northward as far as the present town of New Madrid, Missouri. If this be true, De Soto was the first white man to reach the territory now comprised within the state of Missouri. On the return march in 1542 he died, and was buried in the great river that he had discovered.

For a hundred and thirty years after the death of De Soto there was no further exploration of the Mississippi valley. After this long interval the work was again taken up, but this time its leaders were the French from the north and not the Spaniards from the south, and it is largely to them that the credit belongs for the exploration and colonization of the interior of the continent. Many Frenchmen, inspired with the desire for gain, the love of adventure, or other motives, had settled in Canada along the St. Lawrence and the Great Lakes. From this colony as a base of operations the French missionaries and traders journeyed to the west and south, and perhaps these exploring expeditions are as interesting and dramatic as anything in American history.

The earliest of these expeditions was in 1673. In that year Father Marquette, a Jesuit missionary, and Louis Joliet, a fur trader, set out to find the great river to the west, of which they had heard so much from the Indians. They went through lakes Huron and Michigan to Green Bay, and thence up the Fox river and across the portage to the head waters of the Wisconsin. For a week they floated down this river, and finally, on June 17, 1763, they reached the Mississippi, which Father Marquette called the Conception. They descended the Mississippi as far as the mouth of the Arkansas river, and then, satisfied that the great river really emptied into the gulf of Mexico, they returned to Canada to give an account of their discoveries.

A few years later La Salle sought to secure the Mississippi region for France. In the Illinois valley he built a fort (Crèvecœur) near the present site of Peoria, and from here sent part of his men under Father Hennepin to explore the upper Mississippi. It was not until a third attempt that La Salle succeeded in exploring the lower Mississippi. He reached the mouth of the river in April, 1682, and at once took formal possession of the whole region drained by this stream and its tributaries. In honor of his king, Louis XIV, he named the territory Louisiana.

Somewhat later La Salle made an attempt to fortify the mouth of the Mississippi and to hold the valley against the enemies of France. But his fleet sailed beyond the mouth of the river and landed on the coast of Texas. Dissensions arose, La Salle was murdered (1687) by one of his men, and the movement resulted in failure. The work of this explorer, however, deserves a worthy place in the history of American discovery and colonization. And, besides, his policy was actually followed by the French through the founding of Mobile in 1702 and of New Orleans in 1718.

From lower Louisiana the French sent expeditions into the territory of the later state of Missouri. In 1703 Iberville, the governor of Louisiana, ordered Le Sueur to march westward from Kaskaskia in search of the precious metals. He reached the mouth of the Missouri river and ascended this stream as far as the mouth of the Kansas (Kaw) river. By reason of these explorations the French may have taken formal possession of the Missouri and its tributaries, but very little is in reality known regarding this expedition.

In 1719 the French authorities in New Orleans dispatched Dutisné to explore the interior of Missouri. He ascended the Mississippi until he reached the mouth of the Saline, about ten miles below the later town of Ste.

Genevieve. From this point his course is described as being northwesterly through a very rough region. He reached the Osage river, advanced to the prairie country to the westward, and finally, reaching the Missouri river, he proceeded to take possession of the whole region in the name of his king. In the following year the Spaniards in the southwest fitted out an expedition for the purpose of driving the French out of this territory, but the movement was a complete failure. One result, however, is seen in the attempt of the French to establish a post on an island in the Missouri river above the mouth of the Grand. Bourgmont built a fort here in 1724 and tried to bring about peace among the various Indian tribes, but in both respects his attempt was a failure.

In the meantime Louis XIV, king of France, had encouraged the settlement and development of New France. In 1712 he granted to Anthony Cruzat the monopoly of the Louisiana trade for a term of fifteen years. But after five years of fruitless effort Cruzat returned his commission to the crown. Under the Regency in France the financial situation had become very deplorable, and money was needed to pay even the current expenses of the government. At this time, consequently, was organized the Company of the West, with great power over the Louisiana territory. John Law, a Scotchman, was at its head, and his schemes for a time promised great results. But the bubble soon burst, and in 1731 the charter of the company was surrendered to the crown.

About the year 1730 two brothers, Francis and Jean Baptist Vallé, came from France and settled in Fort Chartres, an important French post on the Illinois side of the Mississippi. They frequently crossed the river to trade with the Indians in Missouri, and, as they were favorably

impressed with the country, they finally concluded to establish a trading post on the west side of the river. This settlement, Ste. Genevieve, founded in 1735, was the first permanent settlement in the state. The present town is about three miles from the old site, the removal being made necessary by the great flood of 1785.

In this period, also, the mining industry was begun in the state. In 1720 Renault, the son of an iron founder in France, came to Fort Chartres with two hundred miners and five hundred negro slaves. In prospecting to the west of the Mississippi, near the site of St. Genevieve, Renault discovered large quantities of lead. It is believed that the La Motte mine, still in operation, was opened up by him. During their stay in Missouri these miners discovered a wonderful cavern with numerous passages, in which there were millions of pounds of lead ore. This cavern — called the Vallé mine in honor of the founders of St. Genevieve — is still one of the richest lead-producing mines in Missouri. At that time, however, the industry was not further developed and the rich mines of southeastern Missouri were not reopened for a hundred and fifty years.

Near the close of the French and Indian War France ceded the whole Louisiana territory to Spain. The next year, however, that portion to the east of the Mississippi, with the exception of New Orleans, was ceded by France to Great Britain by the Peace of Paris (1763). For a time the cession to Spain was kept a secret for political reasons. A French merchant named Laclede obtained permission in 1763 to trade with the Indians of Missouri. Coming from New Orleans, he pushed his way northward from Ste. Genevieve and, on February 15, 1764, established a trading post below the mouth of the Missouri. This settlement, destined to become so important, was called St. Louis in honor of

the king of France. In the following year, when it became known that Fort Chartres had to be given up to the British, many of the French crossed to the west of the Mississippi and took up their residence at St. Louis. From that time on the new settlement grew rapidly, and was in reality the capital of upper Louisiana.

From 1762 to 1800 a succession of Spanish governors ruled over the country west of the Mississippi. Their rule is said to have been a sort of mild and beneficent despotism. They got along well with the Indians. In 1780 an attempt of the British and their Indian allies upon the town of St. Louis was repulsed with some loss of life. On the whole, the country was prosperous and new settlements were rapidly established.

The extent of this development is well shown by the census taken in 1800 by De Lassus, the last of the Spanish lieutenant governors for upper Louisiana. The entire population was given as something over six thousand, distributed among the various settlements as follows :

Ste. Genevieve	949	St. Andrew	393
St. Louis	925	Marius des Laird	376
St. Charles	875	St. Ferdinand	276
New Madrid	782	Carondelet	184
New Bourbon	560	Meramac	115
Cape Girardeau	521	Little Meadows	72

Thus by the year 1800 we find the settlement and development of the upper Louisiana territory well under way. The introductory period of our history may be regarded as ended, and after the close of the period of Spanish rule we shall find events moving rapidly towards the formation of the state of Missouri.

QUESTIONS

1. What was the influence of Ponce de Leon on later exploration?
2. Trace the march of De Soto. What important discovery did he make? Has he any connection with Missouri history?
3. What nation really explored the Mississippi valley? Look up a brief account of the French in Canada.
4. What motives influenced the French explorers? What is the importance of the journey of Marquette and Joliet? Can you trace their route?
5. What did La Salle accomplish? Look up his career.
6. What is the importance of Le Sueur's expedition? of that of Dutisné? What was the first attempt at settlement in Missouri?
7. What can you find out about the Company of the West (Mississippi Company)?
8. When and where was the first permanent settlement made in Missouri?
9. Give an account of the beginning of the mining industry.
10. Why is the year 1763 important in American history? Explain the cessions of territory made in that year. Who got the territory that is now Missouri?
11. When and by whom was St. Louis founded? What influence led to its establishment?
12. What was the character of the period of Spanish rule? What does the census of 1800 show?

CHAPTER II

THE TERRITORIAL PERIOD

We have seen that in 1762 France had given to Spain the city of New Orleans and all of the Louisiana territory west of the Mississippi river. In 1800, under pressure from Napoleon Bonaparte, Spain again transferred this territory back to France. It was intended that this transfer should be kept secret, but it soon became known in both Europe and America. The United States at once began to protest against the French occupation, as it was felt that the free use of the Mississippi river was absolutely necessary to the development of Tennessee, Kentucky, and, in fact, the entire western portion of the country. These protests might have been of no avail had it not been for the renewal of hostile relations between France and Great Britain. These facts, together with Napoleon's need of money, led to the proposal to sell to the United States the whole Louisiana region. After some negotiation the United States readily accepted this proposition and agreed to pay \$15,000,000. Thus, in 1803, the title to the territory passed to the United States, and as a result its area was more than doubled.

It was further agreed that this territory should be incorporated into the Union as soon as possible and be given all the rights and privileges belonging to the older states. The following states were included in this cession and in due time became integral parts of the federal Union: Louisiana, Arkansas, Missouri, Iowa, Nebraska, North

and South Dakota, Montana, and parts of Minnesota, Wyoming, Colorado, Kansas, Oklahoma, and Texas. Missouri was the first of the states west of the Mississippi to be admitted, and, as we shall see, was destined to become the most important.

The transfer of upper Louisiana to the United States was made at St. Louis on March 10, 1804. In the same year Congress divided the whole territory into two districts for judicial and administrative purposes, that portion north of the 33d parallel being called the District of Louisiana. It was attached at first to the Territory of Indiana, but in a short time it was granted separate officials and its title was changed to the Territory of Louisiana. In 1812 the Territory of Missouri was organized and William Clark was appointed as its governor. Four years later Missouri was given more extensive rights of self-government and thus received training for statehood.

From 1816 to 1821 Missouri was a territory of the third and highest class. The governor was appointed by the President of the United States and possessed the power of absolute veto. In addition, there was a legislative council and a house of representatives. The territory was divided into five counties, namely, Ste. Genevieve, St. Louis, St. Charles, Cape Girardeau, and New Madrid. By the time of the admission of Missouri as a state the number of counties had increased to fifteen. Each of these counties elected members to the territorial house of representatives, and the entire territory sent a delegate to Congress. St. Louis was the capital. Here the territorial legislature met and passed the laws necessary for the regulation of the affairs of the territory.

In the meantime the settlement of the territory was going on with considerable rapidity. As early as 1795

Daniel Boone came from Kentucky to Missouri in search of a new home and settled in what is now Warren county. He died at St. Charles in 1820. During the territorial period many immigrants came from Kentucky, Tennessee, and other southern states, a large part of whom settled in the central part of the state. In 1807 a settlement was made on Loutre island above St. Charles. Three years later a hundred or more families, mostly from Kentucky, settled at or near Franklin in Howard county, which became for a time the most important interior settlement in the state. In 1813 several rude forts were built near the boundary line of Boone and Callaway counties in the Boone's Lick country, so called from the fact that two sons of Daniel Boone manufactured and shipped salt from this place to the settlements farther down the river. These immigrants were of sturdy character and have left their impress upon the localities in which they settled. English-speaking settlers also poured into this new land west of the Mississippi from the region between the Great Lakes, the Ohio, and the Mississippi. In 1812 the population of Missouri was probably 25,000; in 1821 it had increased to more than 70,000. This increase in population encouraged the legislatures of 1818 and 1819 to petition Congress for admission to the Union as a state.

The story of the struggle over the admission of Missouri as a state is a long one and occupies an important place in the history of the nation. It marks the beginning of that serious sectional divergence over the question of slavery which was destined later to culminate in a civil war between the states. For two years and a half there was a bitter struggle in Congress over the question of admission, and even then it was settled by a compromise which promised ill for the future.

For years it had been the settled policy of Congress to maintain a balance of power between the free and the slave states. After the admission of Illinois in 1818 there were eleven free states and ten slave states in the Union, but the speedy admission of Alabama restored the political equilibrium. This was the situation when Missouri applied for admission presumably as a slave state and thus threatened to give the South the preponderance. The petition of Missouri was favorably reported, but an amendment was proposed by Tallmadge of New York prohibiting the extension of slavery into the proposed state. After a long struggle the application of Maine for admission as a state in 1819 made possible a compromise. This compromise, known as the first Missouri Compromise, provided for the admission of Maine as a free state and left Missouri free to decide for slavery. It was further agreed that slavery should be prohibited in all other territory of the United States north of the southern boundary of Missouri.

The struggle, however, was not yet ended. The state constitutional convention met at St. Louis in 1820 and framed a constitution which permitted slavery. But one provision of this constitution declaring for the exclusion of free negroes from the state aroused the North and resulted in a second deadlock in Congress. It was only after the arrangement of a second compromise measure that Missouri was finally admitted as a state. The terms of the agreement were that Missouri should be admitted, provided the legislature of the state passed a solemn act that the objectionable clause should never be construed as denying constitutional privileges and immunities to the citizens of any state. This act was passed, and on August 10, 1821, President Monroe issued a proclamation declaring the admission of Missouri as a state into the federal Union.

QUESTIONS

1. What change in the ownership of Louisiana territory in 1800? Why did the United States protest?

2. Why did Napoleon sell Louisiana? What is the date of the Louisiana purchase? By reference to the map show how much territory was added to the United States.

3. What provision was made for the government of the new territory? What change in 1812? in 1816?

4. Explain how a territory of the highest class is governed. What was the territorial capital of Missouri?

5. What was the nationality of the new immigrants to Missouri? In what portions of the state did they settle? Compare the population in 1812 and 1821.

6. Why is the struggle for the admission of Missouri important? What is meant by the balance of power between free and slave states? What was the situation in 1818? in 1819? What were the terms of the first Missouri Compromise?

7. Why did Congress object to the new state constitution? How was the controversy finally settled? When did Missouri become a state?

CHAPTER III

THE DEVELOPMENT OF THE COMMONWEALTH

In 1820, at the time of the adoption of the proposed state constitution, the people of Missouri were also called upon to elect their state officials, and thus set in motion the machinery of the new government. Alexander McNair was elected as the first governor and William H. Ashley was chosen as lieutenant governor. The other more important state officials held office through appointment, until, later, the constitution was so amended as to make these positions elective. In September of the same year the legislature met in St. Louis to elect the two United States senators from Missouri. David Barton was elected without opposition, but there was an extremely bitter contest over the other place. Finally, Thomas H. Benton was chosen by a majority of one vote. Barton served in the Senate for twelve years. Benton served for thirty years, and came to be regarded as one of the strongest men at the national capital. It should be noted that the state government was actually in existence for a year before the state was formally admitted to the Union.

St. Louis was the first capital of the state, but on account of the settlements in the interior it proved to be somewhat inconvenient as a meeting place. In 1821 the capital was therefore changed to St. Charles. But as this place was open to the same objection as St. Louis, the legislature finally decided to choose a new location that would be accessible from all parts of the state. Accordingly, in 1822,

commissioners were appointed to select the site. The constitution provided that it should be on the Missouri river within forty miles of the mouth of the Osage, and thus the commissioners decided upon the bluff overlooking the Missouri river, where the capitol now stands. The place was called Jefferson City in honor of Thomas Jefferson, the third President of the United States, during whose administration the Louisiana Purchase was made. The capitol was destroyed by fire in 1837, and in the following year the older portion of the present building was erected. In 1896 the people of the state voted down an amendment to change the capital of the state to Sedalia.

When Missouri was admitted as a state the northern portion was inhabited by the Indians. In 1824 White Cloud and other prominent chiefs went to Washington and made a treaty in which they agreed to give up all their lands in Missouri. The consideration was an annuity of five hundred dollars for ten years. The land thus acquired is said to have amounted to something like two million acres. The Indians moved westward into the region now comprising the northwestern part of the state.

At that time the western boundary of Missouri was a line running due north from Kansas City to the Iowa line. The triangular strip of territory between this line and the Missouri river was a very fertile region and was much desired by the Missourians. A treaty was made with the Indians in which they agreed to sell the territory and to move further west into the later state of Kansas. Senators Benton and Linn succeeded in getting an act passed through Congress in 1836 which added this valuable territory to the state of Missouri. This region—known as the Platte purchase—comprises the counties of Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte. The fact that

this acquisition was in violation of the Missouri Compromise does not seem to have aroused any controversy.

As we have seen, Missouri entered the Union as a slave state in 1821. But here, as in various other states, there arose a strong sentiment in favor of the gradual abolition of slavery. Many of the prominent leaders of the state favored some plans proposed in 1828, and it is said there was a fair chance of their success. But just at this time stories were published which declared that a New York abolitionist had entertained some negroes in his home, and whether true or not this report made it impossible to carry out the proposed plans. Somewhat later the feeling of the people regarding the question of abolition is revealed by the treatment of E. P. Lovejoy at St. Louis. In 1833 he began the publication of a newspaper at that place, and his violent language on the slavery question aroused great opposition. After considerable trouble with the people of St. Louis he decided that it was unsafe to remain there, and so he moved to Alton, Illinois, which was in free territory. Here his office was later destroyed, and Lovejoy himself was killed.

Between 1831 and 1840 there was serious trouble with the Mormons who were attempting to settle in the state. Joseph Smith, their leader, came to Independence, in Jackson county, in 1831, entered several thousand acres of land, and announced the building of a holy city for his followers. A newspaper was published by them in the following year, and as it promised great things for the Mormons and violently denounced all Gentiles, the result was a strong spirit of hatred between the two classes, which soon led to open conflict and the expulsion of the Mormons from Jackson county. In 1833 they were driven across the Missouri river into Clay, Carroll, Ray, Daviess, and Caldwell counties.

In Caldwell county they laid out a town called Far West, and in 1837 began the erection of a great temple. Here they were joined by many converts to the new faith, especially from the eastern states.

Though many of these people were enthusiastic and industrious and did much to develop their lands, still many causes of conflict arose between them and their Gentile neighbors. The chief objection was perhaps due to the acts of the more lawless element among them. Soon serious conflicts arose, as at Dewitt in Carroll county and elsewhere, and finally Governor Boggs called out the state militia to enforce the laws against them. After a skirmish at Haughn's Mill, in which eighteen of the Mormons were killed, they surrendered to the authorities and were compelled to leave the state. Their leaders were held for trial, but were acquitted in 1840. From Missouri the Mormons went to Illinois, but continued trouble with the Gentiles led to their final removal to Utah.

In 1839 trouble arose between Missouri and Iowa over the boundary line between the two states. Instead of trying to settle the matter peaceably, both governors called out the militia to enforce their authority in the disputed strip of territory. For some time the opposing armies, consisting of two or three thousand men each, confronted each other and a battle seemed imminent. Finally, however, both sides were induced to permit the national government to determine the boundary. Thus, in 1840, Congress established the northern boundary line of Missouri as, with some slight changes, it still exists. By this decision each state received a portion of the disputed territory.

Turning now from purely local affairs, we should next notice several matters of both state and national interest and importance. Political parties in Missouri had taken

somewhat definite shape in the election of 1828, and there was a contest between the friends of Adams and of Jackson for the control of the state, in which the Jackson electors won. In 1837 there was a severe business depression or panic throughout the country, and these "hard times" became a prominent issue in the campaign of 1840. The Whigs held Jackson responsible because of his refusal to permit the continuance of the United States Bank, while the Democrats tried to show that the panic was due to other causes, especially extravagance and speculation. The former nominated General William Henry Harrison, the latter chose Martin Van Buren as their candidate. In Missouri, as elsewhere, the campaign was a stirring one, with its meetings, its parades, and its great enthusiasm. The state voted in favor of Van Buren, but his opponent was elected President.

In the campaign of 1844 the question of the admission of Texas into the Union had come to be the chief political issue. This was a question in which Missourians were deeply interested, and in the election that followed they gave a decided majority in favor of the policy of annexation. In 1845 Texas was admitted, and the inevitable result was a war with Mexico. In the struggle between the two countries Missourians played a prominent part, as is shown by the work of Kearney, Doniphan, and Price, and the volunteer troops of the state.

Upon the outbreak of hostilities in 1846 Governor Edwards issued a call for volunteers to join the "Army of the West," which was to attack New Mexico and California. Under General Kearney these troops, mostly Missourians, set out from Fort Leavenworth for Santa Fe, and marching by way of the famous Santa Fe trail, they reached that town in fifty days or less. The place was captured without

a struggle, and General Kearney by proclamation annexed the whole region to the United States and proceeded to organize its government as that of an American province. He then proceeded to the invasion of California.

From Santa Fe Colonel Doniphan was sent into northern Mexico. He won the victories of Brazito and Sacramento Pass, and finally got possession of the city of Chihuahua, the objective point of his campaign. They finally reached the mouth of the Rio Grande, and from here they returned home by way of New Orleans. In the meantime Colonel Sterling Price, who had come to Santa Fe with a thousand reënforcements from Missouri, had to meet a determined revolt of the Mexicans in that province, and it was only after a number of severe encounters that he was able to put down the movement. It was thus through the services of the Missourians that the United States was able to assert so successfully its claim to this southwestern territory. In 1848 the Treaty of Guadalupe-Hidalgo confirmed the title of the United States to the whole region of New Mexico and California.

The addition of this territory again brought into prominence the question of the extension of slavery. New Mexico and a part of California were to the south of the southern boundary of Missouri ($36^{\circ} 30'$), and thus it was claimed that they were open to slavery. On the other hand, it was pointed out that slavery had been, by Mexican law, abolished throughout this territory. What, then, should be the policy of Congress in regard to this question? The people of Missouri were divided in opinion, but there was a strong feeling that the question should be left for decision to the territories themselves.

This feeling received definite expression in the Jackson Resolutions of 1849, which passed both houses of the state

legislature by large majorities. These resolutions declared (1) that Congress had no power to legislate on the question of slavery; (2) that the citizens of any state should be free to enter any territory with their property (slaves); (3) that the conduct of the northern states had really broken the Missouri Compromise, but that for the sake of harmony and union the application of its principles to the new territories would still be sanctioned; (4) that the right to prohibit slavery in any territory belongs exclusively to the people of that territory; and (5) that if Congress should violate these principles, Missouri would be found coöperating with the slaveholding states for their mutual protection against northern fanaticism. The final resolution instructed the two senators from Missouri to act in harmony with these principles.

Senator Benton refused to abide by the instructions of the legislature and appealed to the people. At heart Benton was opposed to slavery, regarding it as an "incurable evil" that should not be extended. He claimed that the Jackson Resolutions really aimed at disunion and secession and did not reflect the sentiment of the state. Furthermore he repudiated the doctrine that slavery was a matter for each territory to decide for itself. The result was the division of the Democratic party into two factions, the defeat of Benton for reelection to the Senate, and the election of a Whig as his successor. Thus, in 1851, Senator Benton terminated an eventful career of thirty years as senator from Missouri and leader of the Democratic party in the state.

The controversy over slavery became still more intense in 1854, when it was proposed to form out of the unorganized portion of the Louisiana Purchase the two territories of Kansas and Nebraska. The Kansas-Nebraska Bill, introduced by Senator Douglas of Illinois, applied to these

territories the principle of "squatter sovereignty," that is, the right of the people to decide for themselves upon the troublesome slavery question. As this was practically a repeal of the Missouri Compromise, it aroused a storm of opposition and led to one of the most excited debates ever held in Congress. The bill was passed, however, and thus opened up a new region to be contended for by the free soilers and the slaveholders.

As it was admitted that Nebraska would be a free-soil state, the contest was waged over the control of Kansas. In this struggle the Missourians took a very prominent part, and great numbers of them moved into the territory of Kansas, either permanently or merely to help carry the elections for the proslavery side. At first this side had the advantage and got control of the territorial government, but soon the free-soil party gained the upper hand and finally organized the territory in accord with their principles. But this was accomplished only after a period of actual civil war in Kansas and along the Missouri border.

This warfare lasted for several years and was marked by many violent encounters and much lawlessness and crime, and, of course, engendered the bitterest animosities. The free-soil partisans were called "Jayhawkers," and the Missourians were spoken of as "Border Ruffians." In these contests the abolitionist John Brown and his five sons soon became notorious. This disgraceful warfare continued until the beginning of the Civil War, when it was merged into that much greater struggle.

During the course of this struggle over Kansas the Supreme Court of the United States rendered its decision in the famous Dred Scott case. Dred Scott, a negro slave, sued in the court at St. Louis for his freedom on account

of his residence in "free territory" for a number of years. The St. Louis court decided in his favor, the state supreme court reversed this decision, and finally, in 1857, the case was decided by the Supreme Court of the United States. In the course of this decision it was declared that the Missouri Compromise act was unconstitutional and therefore null and void. This decision created great alarm among the opponents of slavery, as it practically opened all the states and territories to the extension of that system. The questions in dispute, however, were destined to be settled only by the ultimate appeal to arms.

In spite of all these years of political strife the state of Missouri was enjoying a period of prosperity and of rapid material development. As early as 1836 a convention had been called to consider the question of railroad building. It was in 1849, however, that the legislature authorized the construction of the Missouri Pacific railroad from St. Louis to the western border of the state. The actual construction was begun shortly afterwards. In quick succession various other roads were now authorized and aided by the state; the St. Louis and San Francisco, the Iron Mountain, the North Missouri (Wabash), and the Hannibal and St. Joseph, were begun. By 1855 the Missouri Pacific had been built westward as far as the state capital, and the Hannibal and St. Joseph extended to the western border, but it was some time before there was another road across the entire state. The state issued for these roads nearly \$24,000,000 in bonds and gave almost 2,000,000 acres of land. These various lines did not at first prove very profitable and, on their failure to pay even the interest on the bonds, the state found itself heavily in debt. The railroads, however, were undoubtedly one of the greatest factors in the development of the commonwealth.

In the period from 1820 to 1860 Missouri had greatly increased in wealth and population. In 1860 the farms of the state were estimated to be worth more than \$230,000,000. Though the agricultural interests still predominated, the growth of commerce and manufactures is worthy of mention. In 1820 the population was over 66,000, in 1850 it was 682,000, and in 1860 it had increased to 1,182,000. During the last decade before the Civil War the increase was over seventy-three per cent, and Missouri advanced in rank among the states from the thirteenth to the eighth. By the time of the outbreak of the war Missouri was without doubt the most important southern state.

This progress is also revealed in educational lines. Previous to the middle of the century the school system was somewhat backward and not very well supported financially, except in the more favored localities. The growth in wealth and population made higher standards desirable, and in 1853 the legislature took a great step in advance when it declared that at least twenty-five per cent of the revenue of the state should be set apart for the public school fund. This plan was generally followed in the succeeding years, and in 1875 it became a part of the fundamental law of the state.

During this period we should also note the founding of a state university, or "seminary of learning" as it was at first called. This institution was established by the legislature in 1839. The commissioners decided upon Columbia, in Boone county, as the best location. On July 4, 1840, the corner stone was laid, and the following year the actual work of instruction was begun. It was many years, however, before the state university received actual support from the state.

QUESTIONS

1. What measures were taken to start the machinery of state government? Look up an account of the contest for United States senator.
2. What arrangements were made regarding the state capital? Do you consider the name an appropriate one?
3. By what means were the Indians removed from Missouri? How did Missouri acquire the Platte purchase? Point out this region on the map. Why was this acquisition a violation of the Missouri Compromise?
4. Give proof that there was a sentiment in favor of the abolition of slavery. What does the Lovejoy incident show?
5. What were the causes of trouble with the Mormons? What was the result?
6. How was the Iowa boundary dispute settled?
7. What was the result in Missouri of the campaign of 1828? of 1840? How did the "hard times" affect the latter campaign?
8. What was the chief issue in the campaign of 1844? Why should Missouri be so interested in Texas? What was the cause of the war with Mexico?
9. Explain the part taken by Missourians in the Mexican War. What were the terms of peace?
10. Why did the slavery question again appear? What was the attitude of Missouri?
11. What were the Jackson Resolutions? Discuss each resolution.
12. Why did Benton oppose these resolutions? What were the results of his opposition?
13. What was the Kansas-Nebraska Bill? Why was it so bitterly opposed? What was the result of its passage?
14. Give an account of the struggle for Kansas. Which side won? Why?
15. What was the Dred Scott decision? How did the decision open all the states to slavery?
16. Why is the railroad convention of 1836 significant? What policy towards railroad building did the state adopt? Do you think this policy a good one, judging by its results?
17. What were the chief industries previous to 1860? Give figures to show the increase of population from 1820 to 1860.
18. What was done to improve the public school system? When was the state university established?

CHAPTER IV

THE CIVIL WAR AND RECONSTRUCTION

By 1860 political conditions in Missouri as well as in the nation were more or less uncertain. In state politics in 1857 the Democrats had won over the opposition candidate by a very small majority. In 1860 the Democratic party was hopelessly divided, and this reacted on the state; the southern Democrats nominated John C. Breckenridge and denied the power of Congress to restrict slavery; the northern Democrats nominated Stephen A. Douglas and upheld his doctrine of "squatter sovereignty." Abraham Lincoln was the candidate of the Republican party upon a platform opposed to the extension of slavery. A fourth party, called the Constitutional Unionists, practically ignored the existence of the slavery issue.

The vote of Missouri perhaps fairly shows the situation in the state: Lincoln received 17,028 votes; Breckenridge, 31,317; Bell (Constitutional Unionist), 58,372; and Douglas, 58,801. The largest vote was given to the more conservative candidates. Claiborne F. Jackson, a Democrat, was elected governor of the state. In the legislature the Breckenridge Democrats were the most numerous, but they did not have a majority. The Republican party succeeded in electing its candidate to the presidency of the United States.

The state legislature met on December 31, 1860, and upon the recommendation of the governor soon decided to call a constitutional convention to consider the relation of Missouri to the other states and to the government of the

latter were compelled to withdraw to the southwest, together with the state officials. Thus the Civil War began in Missouri.

A short time afterwards the convention was reassembled at St. Louis and arbitrarily selected new state officials who were in favor of the Union. They represented the prevailing sentiment of the state, however, and gave to Missouri an organized government in a very turbulent period. This action of the convention was disregarded by Governor Jackson. He called the legislature together at Neosho, and that body passed an ordinance of secession and sent representatives to the Confederate Congress. This action, also, was not submitted to the people for their ratification. The convention, however, continued to govern Missouri and was not dissolved until 1863.

It is unnecessary to follow the struggle in Missouri during the four long years of warfare. By 1862 the Confederates were practically driven out of the state, though a severe guerrilla warfare was kept up in various localities, which resulted in great suffering and loss to the people. It is this local warfare with its bitterness and its array of neighbor against neighbor that has given to this period such a terrible name in our history. As a border state, however, Missouri was destined to suffer much. Finally, with the surrender of Robert E. Lee, the long war was ended and the soldiers of both sides laid down their arms.

In November, 1864, it was decided to hold a constitutional convention in order to embody in the fundamental law of the state the results of the Civil War. This convention met at St. Louis early in 1865 and drafted a new constitution for the state, which abolished slavery. This document contained many admirable features, but as the radical element was in control, certain provisions of a very

drastic character were inserted. Most objectionable was the "ironclad" oath required of state officials and certain professional classes. "No person shall ever vote at any election, hold any office, be a director or officer of any corporation, practice law, preach the gospel, or teach in any school, who has ever been in rebellion or aided those so engaged, or manifested his desire for the defeat of the Union cause, or his sympathy with those opposed to the same by either act or word." Violations of this provision were to be punished by fine and imprisonment.

When this constitution was submitted to the people in 1865 for ratification, only those who would be qualified voters under the constitution, if adopted, were given the right to vote on the question of its adoption. Thus those who aided or sympathized with the South took no part in the election. But the conservative element among the Unionists fought bitterly against the adoption of this constitution. Frank P. Blair canvassed the state against its adoption, and on account of threats against his life he often spoke with his revolver lying before him. However, the vote was 43,670 to 41,808 in favor of the constitution. The vote was very small on account of the fact that so many were disfranchised. Blair himself was not permitted to vote unless he would take the test oath. This he refused to do, and brought suit against the judges of election. The Supreme Court of the United States soon decided in a similar case that the oath was unconstitutional.

By other means, however, the radical element was able to control the state until 1870. In that year the fifteenth amendment to the Constitution of the United States was adopted by Missouri. In that year also the Republican party became divided on the question of the repeal of the test oath. B. Gratz Brown, a cousin of Blair, was the

candidate for governor of the more moderate or liberal wing, and Joseph W. McClurg was the nominee of the radical element. The former was elected by a majority of over forty thousand votes, and the amendments were adopted which abolished all restrictions on the franchise. This result was due primarily to the fact that the Democrats did not put a candidate in the field, but gave their support to the liberal Republican candidate. Two years later this coalition carried Missouri in the presidential election. In 1876 the Democrats regained their supremacy in the state—a supremacy which they have maintained to the present time.

Further dissatisfaction with the constitution of 1865 led, ten years later, to the adoption of another constitution, that of 1875, and this document it is that we are to study and analyze in the second part of the present work.

QUESTIONS

1. Explain the political situation in 1860. What was the attitude of each party towards slavery?

2. What does the vote of Missouri show? Who was elected President?

3. What was the purpose of the constitutional convention? What policy did it favor?

4. What was the policy of Blair and Lyon? What was the result of the attack on Camp Jackson?

5. What action was taken by the convention? by Governor Jackson and the legislature? Do you justify these proceedings?

6. What was the character of the Civil War in Missouri? Why should a border state suffer most? How many battles were fought in Missouri? (See Appendix C.) Can you describe any of them?

7. What was the need of a constitutional convention in 1865? Give some of the provisions of the new constitution. Discuss the campaign for its adoption. Why was the test oath unconstitutional?

8. What is the importance of the fifteenth amendment to the Constitution? Explain the split in the Republican party and its result.

CHAPTER V

THE NEW ERA IN MISSOURI

After the close of the Civil War the recovery of the state from the effects of that great struggle was very rapid, and especially is this true on the side of economic development. In fact, since the end of the period of reconstruction the history of Missouri is largely a record of the development of its vast material resources and the consequent increase in wealth and population. The present chapter, therefore, will be concerned with the economic rather than the political history of Missouri, and will discuss such topics as (1) the area and population of the state, (2) agriculture, (3) mining, (4) manufacture, (5) commerce, and (6) transportation.

Missouri is centrally located, somewhat to the east of the actual geographical center of the United States. It has an area of 69,415 square miles, and is a little larger than all of the New England states combined. According to the census of 1900, its population is 3,106,665, an increase of sixteen per cent over that of 1890. In 1870 the population was 1,719,978, in 1880 it was 2,168,380, and in 1890 it had increased to 2,679,184. Since 1870 Missouri has ranked fifth in population among the states of the Union. The foreign-born element numbers 216,369, most of whom are German, Irish, and English. The number of negroes in the state is 161,234. The average density of population is 45.2 to the square mile. About 65.1 per cent of the people live in the country, while the remaining 34.9 per

cent are in the towns and cities. There are in the state three cities of more than 100,000 inhabitants, of which one, St. Louis, ranks as fourth in size in the Union.

To-day, as in the past, agriculture is the chief occupation in the state. In 1900 there were nearly 285,000 farms with an area of almost 34,000,000 acres, of which about 23,000,000 acres represent actually improved land. The cereals form the chief crops; corn is the most important, and wheat is perhaps next in value. Other crops are hay, oats, rye, barley, buckwheat, cotton, flax, tobacco, and the various garden products. South of the Missouri river the people in the Ozark region turn their attention to fruit growing. Missouri produces more apples and peaches than any other state, and the fruit crop in a good year is perhaps worth close to \$30,000,000.

It has been estimated that one fourth of the value of every farm in Missouri is invested in live stock. The climate is favorable to this industry, and more than half the stock is fattened without shelter. There are probably as many as 175,000 stock farms in the state, more, perhaps, than in any other state in the Union. We may say also that the live-stock market is second to none; St. Louis, Kansas City, and St. Joseph are all good and easily accessible markets. The farmers raise hogs, cattle, mules, horses, and sheep, and the total value of the live-stock industry in 1903 was \$200,000,000, greater than that of any other single industry in the state.

Dairying and poultry raising should also be mentioned among the leading agricultural industries. There are in Missouri a considerable number of dairies, and it is a safe estimate to place the annual value of this industry at between \$15,000,000 and \$20,000,000. The poultry business, too, has developed to large proportions and really brings in a

greater return to the farmers than is derived from the shipping of mules. The egg product alone amounts in value to about \$15,000,000 annually, while the value of the poultry for the home and eastern market probably amounts to as much more. In this industry Missouri perhaps leads the Union.

The mineral resources of Missouri are a very considerable source of wealth. We have already noticed that lead was sought in the mines of southeastern Missouri even before there were any permanent settlements in the state, and to-day it is extensively mined in that region. St. François county leads in its production, and perhaps eighty per cent of the total product of the state is mined in that and neighboring counties. It is in southeastern Missouri also that we find the great iron-producing counties, such as St. François, Iron, Crawford, and Phelps counties. It is sometimes said that the state has enough of this metal to supply the world. The Iron Mountain and the Pilot Knob mines are famous.

Though zinc is obtained in twenty counties, southwestern Missouri is the chief zinc-producing section of the state and one of the greatest in the world. There are two other zinc districts; one is southwest of St. Louis, and the other southwest of Jefferson City. Eighty per cent of the total product in the United States comes from these Missouri mines. It should be noted in passing that none of these mines were opened until several years after the Civil War.

There are coal fields underlying more than a third of the surface of the state, and coal is actually mined in at least forty of the counties. In one of these counties, Macon, the annual output is one and a half million tons, worth something near one and three quarter million dollars. The

coal is bituminous, though cannel coal is found in small quantities in a few localities. The Missouri coal fields have not been very fully developed as yet because of the absence of an outside demand, and because of the inaccessibility of many of these fields.

Various other products are worthy of mention in our discussion of mineral resources. Building stone — especially limestone and sandstone — is found in practically every portion of the state. From the quarries of southwestern and southeastern Missouri the finest granite and marble are taken, to be used in costly buildings or shipped north and east for various purposes. Plate glass is manufactured in St. Louis, in Jefferson county, and in other places. The making of cement has become another important industry, and at Hannibal and Louisiana the largest cement plants in the world are located. Clay, suitable for pressed brick, sewer pipe, and pottery, is found in abundance. White lead is manufactured in considerable quantities. Natural gas is found in some sections of the state, especially in the southwest. In Cass county the petroleum industry promises to become of considerable importance.

The manufacturing industry depends upon various factors, namely, raw material, fuel, labor, capital, and transportation facilities. In a reasonable degree Missouri supplies all these factors and consequently has made such rapid progress that to-day it ranks seventh in the gross value of its manufactured products. Nearly all of the more important factories are situated in or near the large cities on account of the necessity of good transportation facilities. In manufactured products St. Louis ranks fourth among the cities of the United States and in some particulars it is first. Kansas City and St. Joseph are also important manufacturing centers.

The following table gives the value of the output in the chief industries of Missouri for the year 1905, and also the number of those engaged in these industries :

INDUSTRY	VALUE OF OUTPUT	NUMBER ENGAGED
Slaughtering and packing . . .	\$60,031,133	4,218
Flour and grist milling	\$38,026,142	2,345
Tobacco manufacturing	\$30,884,182	5,259
Brewing	\$24,154,264	5,568
Boot and shoe making	\$23,493,552	10,428
Printing and publishing	\$23,015,515	8,941
Lumber work and planing mills .	\$16,144,723	11,462
Bakeries	\$12,672,244	3,764
Foundry and machine work . . .	\$10,917,476	5,298

Taken from Report of Labor Department, 1907.

The production of surplus products leads to an active commerce between various portions of the state and with other states and foreign countries. St. Louis is one of the great commercial centers of the country—important in both the retail and the wholesale trade. Kansas City also has an extensive trade with the West and Southwest. It is the development of trade that has made necessary a rapid extension of the transportation facilities of Missouri. The surplus products, in 1906, probably amounted to \$300,000,000.

Transportation is always an important factor in industrial development, and, as Missouri is no exception to the rule, this topic calls for at least a brief discussion. With the Mississippi on the eastern border and the Missouri running through the state, the system of water ways is almost unsurpassed. In the early days these rivers and their tributaries were of fundamental importance in the history of the state. They were in large measure superseded, however,

when the era of railroad building began, and consequently to-day the latter are of the greatest significance in the story of our economic development.

The Missouri Pacific was the first railroad begun in the state of Missouri, and a locomotive used on a few miles of its track in 1852 was the first west of the Mississippi. By the beginning of the Civil War this line was extended to Sedalia, a distance of one hundred and eighty-eight miles. The St. Louis and San Francisco, the Iron Mountain, the North Missouri (Wabash), the Cairo and Fulton, and the Kansas City, St. Joseph and Council Bluffs, were begun in the decade before the war. In addition, the Hannibal and St. Joseph was built across the state. By 1860 there had been built in all about eight hundred miles of railroad in Missouri.

After the Civil War there came an era of railroad building in which Missouri more than trebled her mileage. From that time to the present this development has continued, and to-day there are between seven and eight thousand miles of railroad in Missouri, operated by about sixty different companies. This rapid though steady growth may be clearly shown by the following table :

YEAR	MILEAGE
1852	6
1860	817
1870	2000
1880	3965
1890	6142
1900	6887
1906	7808

Among the principal lines in the state to-day are the following : the Atchison, Topeka and Santa Fe, the Chicago and Alton, the Chicago, Burlington and Quincy, the Chicago, Rock Island and Pacific, the Missouri Pacific, the Iron Mountain, the Missouri, Kansas and Texas, the St. Louis and San Francisco, the Wabash, the Quincy, Omaha and Kansas City, and various other lines of considerable importance.

This summary of the industries of Missouri is clearly sufficient to show their extent and varied character. In

general, it may be said that Missouri ranks fifth among the states of the Union in population and in material wealth ; it is surpassed only by New York, Pennsylvania, Texas, and California, and is perhaps first in potential resources. Citizens of the state, therefore, may reasonably expect in the future a continuation of industrial development and of material prosperity and the growth of a still greater commonwealth.

QUESTIONS

1. What is the chief characteristic of Missouri history since the Civil War?

2. What is the area of Missouri? Make a table showing the increase in population since 1870. What proportion of the people are foreign born? What proportion are negroes? What is meant by density of population? What is the urban population? the rural?

3. What is the chief resource of the state? What is the size of the average Missouri farm? What are the chief crops of the state? of your neighborhood?

4. Why is Missouri a good state for the live-stock industry? Why is the question of markets an important one? Discuss the dairying and the poultry industries.

5. What are the most important mineral products of Missouri? In what localities are they found?

6. Explain the rapid development of the manufacturing industry. Discuss the table given on page 35. Mention some other important industries of this kind. What are the chief commercial centers of the state?

7. Why is the question of transportation an important one? Why should railroads supersede the rivers?

8. What progress was made in railroad building before the Civil War? Discuss the table given on page 36. Trace on a railroad map some of the principal lines of the state.

9. What is the rank of Missouri among the states? What do you think of the future of Missouri?

PART II

GOVERNMENT OF MISSOURI

CHAPTER VI

THE STATE AND ITS CONSTITUTION

We have already seen that the United States came into possession of a vast amount of territory as a result of the Louisiana Purchase. In accordance with the national policy of forming new states out of its possessions west of the Alleghenies, the United States government gradually created out of the Louisiana country a number of sovereign states equal and coördinate in powers with the original thirteen states. It is the consistent carrying out of this policy that made the colonization of the country from the Allegheny mountains to the Pacific ocean so successful.

But these lands were not erected into states at once — they were first organized into territories and only gradually given the rights of statehood. There are three classes of territories, and each class marks a stage in the process of forming a state. At first the whole region acquired from France was called the District of Louisiana, and for administrative purposes was placed under the jurisdiction of the governor and judges of Indiana Territory. But the people were dissatisfied with this arrangement and prevailed upon Congress in 1805 to create a separate Territory of Louisiana with officials of its own, though these officials were still appointed by the national government. This made the Louisiana country a territory of the first class.

Seven years later a part of this region was organized into a territory of the second class, and was known as the Territory of Missouri. The people were now permitted to choose

a house of representatives, while a council, or upper house, was appointed by the national government from a list of persons suggested by the house of representatives.

In 1816 the Territory of Missouri became a territory of the third and highest class, with the right to elect the members of both the upper and the lower houses of the legislature. This continued to be the situation until, in 1820, a state government was organized in Missouri preparatory to its admission into the Union as a state.

As early as 1818 the people of Missouri had asked for permission to frame a constitution and establish a state government, but the violent controversy that arose over the question of slavery in the proposed state prevented the immediate success of the movement. The struggle was ended, as we have already seen, by the adoption of the Missouri Compromise in 1820. In the same year a convention was held in St. Louis for the purpose of framing a state constitution. This was adopted by the people, and at the same time officials for the new state government were chosen. But further cause of controversy arose, and consequently it was not until August 10, 1821, that President Monroe issued a proclamation declaring Missouri to be a state.

The constitution framed by the convention in 1820 thus became the first constitution of the state of Missouri. This document outlined three departments of government — legislative, executive, and judicial — and was accompanied by a bill of rights. In 1845 an attempt was made to form a new constitution, but the work of the convention was rejected by the people. As a new constitution was not adopted until 1865, we see how long the old served the interests of the people of the state.

In 1865 the radical element of the people was in control in Missouri, and the constitution of that year, though in many

respects an excellent document, was greatly weakened by the inclusion of a test oath which disfranchised many of the citizens of the state. Though this oath was declared unconstitutional by the supreme court, the demand for another constitution became insistent, and led, in 1875, to the formation of the present constitution.

This constitution of 1875 is a very lengthy document, containing more than twenty-five thousand words. It is also noteworthy because of the many restrictions placed by the people upon both the state and the local government, especially as regards the question of taxation. Again we find the inclusion of a bill of rights and of the principle of a separation of powers into three distinct departments of government. Perhaps the following outline of the constitution will best give a clear notion of its general character and scope.

ARTICLE

- Preamble.
- I. Boundaries.
- II. Bill of Rights.
- III. The Distribution of Powers.
- IV. Legislative Department.
- V. Executive Department.
- VI. Judicial Department.
- VII. Impeachments.
- VIII. Suffrage and Elections.
- IX. Counties, Cities, and Towns.
- X. Revenue and Taxation.
- XI. Education.
- XII. Corporations.
- XIII. Militia.
- XIV. Miscellaneous Provisions.
- XV. Mode of Amending the Constitution.

The great number of amendments proposed in recent years reveals the fact that the present needs of the state

have in many respects outgrown its constitution, and, as a consequence, there is a growing demand for a new constitution more suited to the conditions as they exist to-day in a wealthy and important state.

In the following chapters — comprising Part II of the present work — it becomes our duty to trace carefully and in some detail the provisions and workings of our present constitution in connection with both the state and the local governments.

In such a survey it is well to recall the fact that the Constitution of the United States is the supreme law of the land, and that no state has the right to exercise any of the powers specifically granted to the federal government. But in all spheres of governmental activity not specifically granted to the federal government, the state possesses the full rights and powers of sovereignty.

QUESTIONS

1. What policy was adopted by the United States towards its possessions west of the Alleghenies? Was this policy a good one?

2. How was the district of Louisiana governed?

3. What changes were made when the Territory of Missouri was organized?

4. Describe the government of Missouri as a territory of the third class.

5. When did Missouri become a state? Why was there so much trouble over its admission?

6. How long was the constitution of 1820 in force? What were some of its provisions?

7. Why was the constitution of 1865 so unpopular?

8. Mention two noteworthy features of the constitution of 1875.

9. Compare the constitutions of 1820 and 1875. What is a bill of rights? (See Appendix D.)

10. How many articles in the constitution of 1875? What is a preamble?

11. How may the constitution be amended? How many amendments have been adopted? (*Note.* Eight more are to be submitted this year (1908).)

12. Why do many people want a new constitution to-day?

13. Explain the respective rights of the federal and the state governments. Look up in the Constitution of the United States the powers forbidden to the states. What does that document say concerning the rights of the state?

CHAPTER VII

THE LEGISLATIVE DEPARTMENT

The constitution of Missouri vests the powers of government in three departments—the legislative, the executive, and the judicial. The legislative department is the lawmaking department of the state government. It is composed of a senate and a house of representatives, both together being called the General Assembly of the State of Missouri.

The house of representatives has one hundred and forty-two members, chosen every second year by the qualified voters of the various counties of the state, and apportioned among them, only approximately, according to population. After each decennial census the total population of the state is divided by 200, and the result is called the ratio of representation. Each county with one ratio or less is entitled to one representative; counties with two and a half times the ratio are given two representatives; those with four times the ratio, three representatives; those with six times the ratio, four representatives; and after that, one additional representative is added for every two and a half additional ratios. At present the members are apportioned among the several counties of the state and the city of St. Louis as follows: St. Louis (city), sixteen; Jackson, six; Buchanan, four; Jasper, three; Greene, two; St. Louis (county), two; and the other one hundred and nine counties of the state, one each.

In the counties having more than one and not more than ten representatives the county courts are empowered

to divide the counties into districts, and a representative is elected from each. In counties having more than ten representatives the circuit court shall cause the counties to be divided into representative districts, and each district shall have not less than two or more than four representatives. Also the representatives in such counties are required to be residents of the district from which they are elected. At present the city of St. Louis alone has more than ten representatives, and for the purpose here outlined is practically regarded as a county.

Representatives are apportioned once every ten years, and this apportionment is made the first year following the taking of the census. Thus representatives were apportioned in 1891, in 1901, and will be apportioned again in 1911.

A representative must be a male citizen of the United States, at least twenty-four years of age, and must have resided in his district for one year prior to his election. He must also have been a qualified voter of the state for at least two years prior to his election, and must have paid a state and county tax within the year preceding such election.

A representative receives five dollars a day for a regular session of seventy days. But should the session continue more than seventy days, the compensation for the remainder of the time is reduced to one dollar per day. A small additional allowance is also granted for postage, stationery, and incidentals, besides mileage in going to and returning from a session. During a revising session, however, he may receive five dollars a day for one hundred and twenty days, and one dollar a day thereafter.

Before entering upon the duties of his office, a representative is required to take the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the state of Missouri, and faithfully

perform the duties of my office ; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law." This oath is usually administered by the chief justice of the supreme court, though it may be administered by some other judge or by the presiding officer after the organization has been completed.

The senate is a much smaller body than the house, as the constitution provides that there shall be thirty-four senators. They are elected for a term of four years by the qualified voters of the respective senatorial districts. Every ten years it becomes the duty of the legislature to divide the state into districts, and each district elects one senator. If the legislature should fail in this duty, as was the case in 1901, it devolves upon the governor, the secretary of state, and the attorney general, to divide the state. The constitution further provides that these districts are to be conveniently arranged and are to be as nearly equal in population as possible. The gerrymander, however, may be resorted to in the interest of a dominant political party.

Seventeen of the senators are elected from the odd-numbered districts at the time of the presidential election, and the remaining seventeen two years later from the even-numbered districts. Thus there are always in the senate a number of experienced legislators. A senator must be at least thirty years of age and a qualified voter of the state for three years prior to his election. His other qualifications are the same as those of the members of the house of representatives. His compensation is also the same.

The constitution makes each house the sole judge of the qualifications and election of its members. Each house also determines its own rules of procedure and selects its own

officers, except that the lieutenant governor is, by virtue of his office, president of the senate. The presiding officer of the house of representatives is called the speaker. Each house has in addition a president or speaker pro tempore, a secretary or chief clerk, a doorkeeper, a sergeant-at-arms, a chaplain, and various clerks. In the house the committees are appointed by the speaker; in the senate they are usually left to the president through courtesy, though occasionally, for political reasons, the appointments are made by the senate itself.

The general assembly meets in regular session in the capitol at Jefferson City on the first Wednesday after the first day of January in the odd-numbered years. A majority of the whole number of members in either house constitutes a quorum to do business. Neither house may adjourn without the consent of the other, except for a brief time. If at any time an extra session is called by the governor, only the subjects mentioned in his call or contained in special messages may be considered by the general assembly. The constitution does not fix the time for the adjournment of a session, but the rule regarding compensation practically settles the matter.

The house of representatives has the sole power of impeachment, that is, the house brings the official to trial and conducts the prosecution. All impeachments shall be tried by the senate, and the senators are sworn to do justice according to the law and the evidence. Should the governor of the state be tried, the chief justice of the supreme court would preside over the trial. No person can be convicted without the concurrence of two thirds of the senators present, and judgment in case of conviction shall not extend further than removal from office and disqualification to hold any office of honor, trust, or profit under the state. But,

whether convicted or acquitted, the person tried is still liable to prosecution according to law. For example, if an official is impeached for bribery, convicted, and removed from office, the courts may then take up his case as a crime against the state, and he may be brought to trial and punished the same as any other criminal.

QUESTIONS

1. What are the three departments of the state government? What is the legislative department?

2. Is it a good plan to have two houses in the legislative branch of the state government? Why?

3. How many representatives are there? How are they apportioned? If the population of the state is 3,106,665, find the ratio of representation.

4. Name and locate the counties that have more than one representative. How are these counties divided?

5. When are the apportionments made? What is a census?

6. What are the qualifications of a representative? length of term? pay? Make a list of the things promised in the oath of office.

7. How many senators are there? What are the necessary qualifications? What compensation do they receive? Draw a map of your senatorial district. (See Appendix E.)

8. What rights are guaranteed to each house by the constitution?

9. Name the more important officers in each house. Does the presiding officer have the right to vote?

10. When and where does the general assembly meet? Locate the capital. What is meant by a quorum? by a special session?

11. What are the powers and duties of each house in case of impeachment? What is the nature of the punishment?

12. Give the arguments for and against a biennial session of the legislature.

13. Should a representative or a senator be required to be a resident of the county or district from which he is elected?

CHAPTER VIII

HOW LAWS ARE MADE

The constitution of Missouri provides that no law shall be passed except by bill; that bills may originate in either the house or senate; that those originating in one body may be amended or rejected by the other; that every bill shall be read three times on three separate days in both the senate and the house before it is finally voted upon; and that a majority vote of all qualified members is necessary for its passage.

All bills are numbered in the order of their introduction. Then follows the name of the author, the title of the bill, and the enacting clause, which always reads as follows: "Be it enacted by the General Assembly of the State of Missouri, as follows." And finally the body of the bill itself is given. Its form is illustrated by the following measure, which became a law in the forty-fourth general assembly. (See p. 52.)

Though three readings are necessary before a bill reaches its final passage, the first and second readings usually consist in a mere announcement of its title, unless the reading of the entire bill is demanded. After the first reading three hundred copies of the bill are ordered printed for the information of the members, unless otherwise ordered by the house. After the second reading it is referred to the appropriate committee. If it is a bill relating to schools, it will be referred to the committee on education; if it is a bill relating to railroads, it will be referred to the committee on railroads. If it is favorably considered by the committee it

[ENGROSSED]

HOUSE BILL NO. 325**44th General Assembly**

INTRODUCED BY MR. MUIR

Read first time and 300 copies ordered printed, January 14, 1907.

Read second time and referred to the Committee on Life Insurance, January 22, 1907.

Reported from the Committee on Life Insurance, with recommendation that the bill do pass, January 25, 1907.

Taken up and laid over informally, January 31, 1907.

Taken up and ordered engrossed and printed, February 13, 1907.

D. W. JONES, Ass't Chief Clerk

AN ACT**RELATING TO THE SALARIES AND COMPENSATION OF
OFFICERS AND AGENTS OF LIFE INSURANCE COM-
PANIES**

Be it enacted by the General Assembly of the State of Missouri as follows :

Section 1. No domestic life insurance company shall pay any
2 salary, compensation, or emolument to any officer, trustee, or director
3 thereof, nor any salary, compensation, or emolument amounting in
4 any year to more than five thousand dollars, to any person, firm,
5 or corporation, unless such payment be first authorized by a vote of
6 the board of directors of such life insurance company and a record
7 of such vote entered in the minutes of the meeting when the action
8 is taken.

Section 2. No life insurance company which pays as a salary
2 or as compensation for services, or as an emolument or allow-
3 ance of any kind whatsoever, more than fifty thousand dollars per
4 annum to any one person, shall be licensed to transact business in
5 this state.

is recommended for passage and placed on the "calendar" for engrossment. To engross a bill is to copy it, with amendments, if any have been proposed, in large full letters. If the committee reports the bill unfavorably, or fails to make any recommendation in regard to it, the house shall determine by a majority vote whether or not it be placed on the calendar. The main purpose in referring bills to a committee in this way is to expedite business. After the measure has been placed on the calendar any amendments offered by the committee must be considered first, and then those offered by the house.

The constitution requires that the bill as engrossed shall be printed for the use of the members before it is placed on the calendar for the third reading and for passage. It does not require a motion to engross a bill, but this question is put by the speaker: "Shall this bill be engrossed and printed? As many as favor say Aye; those opposed say No." If the majority vote in the affirmative, the bill goes to engrossment. The engrossing and printing is done under the supervision of a committee on engrossed bills, whose report to the house states in writing that the bill is truly engrossed, and that the printed copy furnished the members is correct. After this report is made the bill is placed on the calendar, to be taken up in due order. Then, in order to bring it before the house, some member, usually the author, makes a motion that it be read a third time and placed on its passage. The author is allowed to explain the bill, but after the third reading it is put immediately upon its passage without debate. If a bill has passed and some one wishes to amend it, not only must the vote by which it was passed be reconsidered but also the vote by which it went to engrossment. A motion to reconsider may be carried by a majority, but if that motion is

“tabled,” it then requires a two-thirds vote to reconsider. The author of the bill usually makes this motion in order to prevent some one who was opposed to it from having it reconsidered. On the final passage of every bill the roll is called and a record of the vote of each member is entered on the journal.

After the bill has passed the house it is sent to the senate for consideration. The senate may either adopt, amend, or reject it. If amended, it is returned to the house for readoption as amended. If the bill originated in the senate, it goes through the same process as described in the case of a bill originating in the house.

After passing both the house and the senate, the measure is enrolled (copied neatly), signed by the speaker and the clerk of the house, and by the president and the secretary of the senate, and is then sent to the governor for approval. If he approves and signs the bill it becomes a law. If he disapproves of it he vetoes it, that is, he returns it to the house in which it originated together with his objections. To become a law over his veto it must receive a two-thirds vote in each house.

If the governor fails to return a bill within ten days it may, through a resolution passed by both houses, become a law anyway. If the general assembly adjourns within the ten days, however, the governor has thirty days in which to send the bill to the secretary of state with his approval or disapproval. With the exception of the general appropriation bill, no law goes into effect until ninety days after the adjournment of the session in which it was enacted, unless it has an emergency clause, in which case it may go into effect immediately. There must be a two-thirds vote of the members elected to each house in favor of an emergency clause in order to pass it.

QUESTIONS

1. Give the enacting clause of every bill. How many times must a bill be read? Why should each reading be on a separate day?
2. Why are bills referred to committees? Give the arguments for and against legislation through committees.
3. What is meant by engrossment and enrollment?
4. In how many ways may a bill become a law? Give the different steps to be taken in the passage of a bill from the time it is introduced until it becomes a law.
5. What length of time must elapse after a law is enacted before it goes into effect? What is an emergency clause?
6. Has the speaker of the house any influence over legislation? Explain.
7. What vote does it take to pass a bill? What vote is required to pass an emergency clause? What vote to pass a bill when the governor vetoes it?
8. Do you think it best that the governor should have a veto power in legislation?

CHAPTER IX

EXECUTIVE DEPARTMENT

The executive department is that division of the state government which supervises the execution of the laws and the administration of the affairs of the state. These powers and duties are vested by the constitution in a governor, lieutenant governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public schools, railroad commissioners, and numerous minor officials. All of these officers, except the railroad commissioners, are elected for four years, and all except the governor and lieutenant governor receive an annual salary of \$3000. With the exception of the lieutenant governor and the railroad commissioners they must all reside at Jefferson City.

The supreme executive power is vested in a chief magistrate called the governor. The importance of his office is suggested by his qualifications and duties. He must be at least thirty-five years of age, must have been a citizen of the United States for ten years, and a citizen of Missouri for the seven years immediately preceding his election. He is elected by the people for a term of four years and is ineligible to reelection as his own successor. The duties of his office, as prescribed by the constitution, cover a wide range. He is charged with the duty of seeing that the laws of the state are faithfully executed. He is commander in chief of the state militia, and he may call out the same at any time to execute the laws, suppress insurrection, or repel invasion. He may convene the general

assembly in special session at any time and advise that body by message as to needed legislation. He may approve or veto any act of the general assembly. He may veto part of an appropriation bill and approve the other part. He may commission officers and fill vacancies. Under certain restrictions he has the power of granting reprieves and issuing pardons. He may require in writing reports from executive officers and from the managers of state institutions. He has the power of appointing many of the state officials, though some of these appointments must be approved by the senate. He also has the power to order special elections for county or state elective offices when vacancies occur therein. It will be seen, therefore, that his duties are extensive and important.

When the office of governor becomes vacant by reason of death, resignation, or removal, the lieutenant governor then succeeds to the governorship. The lieutenant governor must have the same qualifications as the governor, and when he fills the position of chief magistrate of the state he receives the pay of that office, namely \$5000 per year. His salary as lieutenant governor is \$1000 per year, and during the session of the legislature he receives seven dollars a day additional. Should there be a vacancy in the governorship and the lieutenant governorship at the same time, the right of succession to the governor's office is vested in the president pro tempore of the senate, and after him in the speaker of the house of representatives.

The secretary of state is the custodian of the seal of the state of Missouri, which he affixes to official documents as required by law. He is also the keeper of the public records and of the acts of the general assembly, and is required to keep a register of the official acts of the governor and to attest them whenever necessary. It is his duty to furnish

copies of these records or of any other papers in his office upon the demand of the general assembly. In addition to these duties, he publishes and distributes the laws and journals of the general assembly, files in his office all nominations to state offices, keeps a record of all elections, both state and local, and issues certificates of incorporation to companies. By virtue of his office he also performs the duties of register of lands and of examiner of banks.

The auditor is the accountant of the state and the keeper of the books and papers relating to public accounts and contracts. He makes settlements with the counties, issues warrants for all money paid out of the treasury, and has general oversight of the public funds of the state. He is also required to report to the general assembly the financial condition of the state and to give an estimate of the appropriations needed for the expenses of the state government for the two succeeding years. He is placed under a bond of \$50,000, and is required to make a report to the governor every month.

The state treasurer is custodian of the funds. He pays out of the treasury all the obligations of the state, including the salaries of the state officers and of the judges of the various courts. He is required to give a heavy bond, amounting to \$500,000. He makes a monthly report to the governor and a biennial report to the legislature.

The attorney general is the legal adviser of all the state officials, the general assembly, and the prosecuting attorneys of the different counties. In all suits in which the state is a party, he appears before the supreme court in its behalf.

The superintendent of public schools has general supervision of the public schools of the state, grants state certificates, distributes the educational funds, and makes an

annual report, giving data in regard to the schools and the expense of maintaining them. He is chosen at the biennial election following that for the election of the governor and the other state officials.

There are three railroad and warehouse commissioners, elected by the people for a term of six years, one being chosen at each biennial election. It is the duty of the commissioners to see that the railroads obey the regulations regarding freight and passenger rates, and that in general both railroads and warehouses are managed in accordance with the laws.

The general assembly has, from time to time, created other executive and administrative offices to be filled by appointment. The insurance commissioner is appointed by the governor, with the consent of the senate, for a term of four years. He has supervision in a general way of all insurance companies doing business in the state; he issues licenses to such companies as comply with the law and may revoke the licenses of those guilty of its violation. His duties require him to protect the interests of policy holders and of the legally authorized insurance companies.

As commander in chief of the militia the governor appoints an adjutant general and other staff officers, who attend to all active duties of a military nature. The staff officers acting under the adjutant general are the quartermaster general, surgeon general, paymaster general, commissary general, judge-advocate general, chief of ordnance, inspector general, and four aids-de-camp. The constitution declares that all able-bodied male inhabitants of the state, between the ages of eighteen and forty-five, are liable to military duty. This organization is known as the National Guard of Missouri.

The labor commissioner, appointed by the governor, collects statistics and information relating to labor. Other appointive officials worthy of mention are the supervisor of building and loan associations, the commissioner of permanent seat of government, the fish commission, consisting of three members, the game and fish warden, and the state dairy and pure food commissioner. The state public printing commission consists of the secretary of state, the auditor, and the treasurer. A new appointive office that may prove of considerable importance is that of state highway engineer.

In addition to these officers and commissioners, whose entire time is usually devoted to the duties of their office, there are various boards and societies under whose direction and by whose assistance the general welfare of the people is promoted; also there are a number of administrative boards to assist the governor in the discharge of his duties. Only the most important of these boards and societies will be mentioned here.

The state board of equalization consists of the governor, the treasurer, the auditor, the secretary of state, and the attorney-general. The board meets on the last Wednesday in February to equalize the valuation of real and personal property among the several counties of the state, and on the third Monday in April it meets to assess, adjust, and equalize the valuation of railroad property within the limits of Missouri.

The state board of education is composed of the superintendent of schools, who is ex-officio president of the board, the governor, the attorney-general, and the secretary of state. This board invests the school fund and has general supervision over the schools of the state. It sees, for example, that all school funds are properly applied.

The state board of agriculture consists of the governor, the superintendent of schools, the dean of the agricultural college, and one member appointed by the governor from each congressional district. The appointive members hold office for three years, and serve without pay, except the actual expenses incurred in attending board meetings. The officers of the board are elected by the members at the annual meeting and hold office for a term of one year. The secretary and treasurer are not members of the board. The annual meeting is held at Columbia on the third Tuesday in December.

The state board of health is appointed by the governor, with the consent of the senate, for a term of four years. This board has supervision over the health and sanitary conditions in the state, and may quarantine any locality to prevent the spread of contagious diseases. It is also their duty to license, after a satisfactory examination, those who wish to practice medicine in Missouri. A board of osteopathic registration and examination is also appointed for a term of five years.

A state board of law examiners is appointed by the supreme court for the purpose of examining and licensing those who wish to practice law. The board is paid out of the fees collected from the applicants. Those wishing to be examined must file their application with the clerk of the supreme court at least ten days before the meeting of the board.

The members of the state board of pharmacy are appointed by the governor for a term of three years; the members of the board of dental examiners and of the board of embalming hold office for a term of five years. A board of mediation and arbitration is appointed, consisting of three persons, — an employer of labor, a member of a trades'

union, and a third member not closely identified with either of these two classes. They are appointed by the governor for a term of three years, and may be called upon to settle disputes between labor and capital. A board of charities and corrections consists of six members appointed by the governor for a term of six years. These boards have various duties, but in the main these are suggested by the name of the board. This statement is also true of the board of examiners for barbers, the veterinary board, and the board of immigration.

The state historical society has for its object the collection, preservation, and publication of material for the study of history, especially the history of the state and of the Middle West. The society has its library in Columbia. Another society worthy of mention is the state horticultural society, which has done much for the improvement of the various varieties of garden products.

A number of inspectors are appointed by the governor, the name of the office in each case suggesting the nature of its duties. Among them may be mentioned the inspectors for factories, mines, grain, tobacco, beer, and petroleum.

QUESTIONS

1. What is the executive department? Name the more important executive officials.

2. What are the qualifications and term of office of the governor? Make a list of his duties and powers.

3. Should the governor be eligible for reelection? Should the senate have the right to reject appointments made by the governor?

4. Has the governor any influence over legislation?

5. Should the governor have the power to grant reprieves and pardons?

6. What is done in case of vacancy in the governorship?

7. What are the duties of the secretary of state? of the auditor? of the treasurer? of the attorney-general? of the superintendent of public schools? of the railroad commissioners?

8. Are these officials subordinate to the governor? Why is the treasurer required to give such a large bond?

9. Name the more important appointive officials. What are the duties of these officials?

10. Make a table showing the important state boards and societies and the duties of each.

11. Why is it necessary to appoint inspectors?

CHAPTER X

JUDICIAL DEPARTMENT

The judicial power of the state is vested in a number of courts, ranging from the court of the justice of the peace to the supreme court. It is the duty of these courts to settle all suits or cases that may arise, either civil or criminal. The person who brings a suit is called the plaintiff, the one against whom it is brought is called the defendant. In all criminal cases the state itself is the plaintiff. Usually a person dissatisfied with the decision in his case may appeal to a higher court.

The lowest and most accessible court is the court of the justice of the peace. Each township has at least two justices of the peace, and in larger townships this number may be increased. The justice is a conservator of the peace. If a crime is committed, it is his duty to issue a warrant for the arrest of the criminal. He may try criminals for misdemeanors or petty offenses where the penalty is a fine or imprisonment in the county jail. But if the crime is a felony punishable by death or imprisonment in the penitentiary, the justice merely holds a preliminary hearing or examination, and, if the evidence warrants it, requires the prisoner to give bond for his appearance before the circuit or criminal court, or sends him to jail to await a trial upon the charges brought against him.

The justice also has jurisdiction in civil suits involving sums not exceeding \$250. Either party to a suit before a justice has the right to demand a jury of six men to decide

the case. If either party is dissatisfied with the judgment rendered in a justice's court, he may appeal his case to the circuit court. Though a justice is elected to conserve the peace in a certain township, he may try cases coming to him, by a change of venue, from any of the other townships in the county. He is paid by fees.

The circuit court tries all cases appealed from the justice's court, and has original jurisdiction in cases of felony and in suits involving an amount greater than \$250. Also suits involving the title to real estate must be brought in the circuit court. In reality all important cases are tried in this court. The circuit courts also have general supervision over the criminal courts, the probate court, the county courts, and the justice's courts. For judicial purposes the state is divided into thirty-three circuits, in each of which a circuit judge is elected for a term of six years. But in the circuits containing large cities additional judges have been found necessary in order to transact the business. St. Louis, for example, has twelve judges, and Jackson county has eight. A majority of the circuits are composed of several counties, and the judge goes from one to another to hold court. According to the constitution, at least two sessions of this court must be held every year in each county. Both civil and criminal cases are brought before the circuit court. However, separate criminal courts have been established in counties having 50,000 inhabitants or more. A circuit judge must have a good knowledge of law, must be at least thirty years of age, and must have been a citizen of the United States for five years and a voter of the state for three years prior to his election.

Cases tried in the circuit court may be appealed to a higher court on the ground of error. If the offense is a misdemeanor, or involves an amount of money not exceeding

\$2500, the appeal is taken to the appellate court. If it is a case of felony, or if it involves the title to real estate, a sum in excess of \$2500, the construction of the constitution, the revenue laws, or title to office, or if a county is a party to it, the appeal must go to the supreme court.

The courts of appeal were established to relieve the supreme court of a part of its work. The one at St. Louis has been established for many years, but the work having greatly increased, another court was established in 1884, at Kansas City. The court at St. Louis is for the eastern district of Missouri and the one at Kansas City is for the western district, and all the counties of the state come under the jurisdiction of one or the other of these courts. Each court has three judges elected for a term of twelve years. The judges of the St. Louis court receive a salary of \$5500, and those of the Kansas City court receive \$3500. The qualifications of these judges are the same as those for the judges of the supreme court.

The supreme court is the highest tribunal in the state. It is composed of seven judges, elected by the people for a term of ten years, each receiving a salary of \$6000. The judge oldest in commission is usually chief justice of the court. In order to expedite business, the court is divided into two divisions, the first being composed of four judges, and the second of three judges. If the judges constituting a division disagree, the case may go to the entire court, called the court *en banc*. The supreme court exercises a certain control over all the courts of the state. When a case is taken to this court by appeal it does not try the case again, but simply examines and reviews a transcript of the entire proceedings sent to it by the lower court, and then either affirms the verdict of the lower court or points out its errors and remands the case for a new

trial. If the supreme court finds that the case has no merit, it is reversed and dismissed. The opinions of the judges of the supreme court are preserved and printed in book form, and are known as the Missouri Reports.

There are only four courts of common pleas in the state, and these were established under the old constitution of 1820. Formerly these courts tried cases involving common law practice, i.e. law established by custom, while all cases arising from a violation of the statute law of the state were tried in other courts. At present, cases involving common law practice are few, and the original purpose for which these courts were established no longer exists. Several places having these courts still keep them, however, and their authority is nearly the same as that of the circuit courts. The Louisiana court of common pleas, established in 1853, the Hannibal court of common pleas, established in 1845, and the Sturgeon court of common pleas, established in 1859, are each presided over by a circuit judge; but the Cape Girardeau court of common pleas, which was established in 1851, has a judge chosen expressly to preside over its deliberations.

It is the duty of certain officials to aid the courts in their work. A constable is elected by the people in each township for a term of two years. He is the executive officer of the township. He makes all arrests on warrants issued by the justices of the peace, serves summonses on the defendants in civil cases, and impanels juries and summons witnesses for the trial. It may also become his duty to collect the amount of the judgment, and in case this is not paid promptly he is authorized to seize and sell the property of the defendant to satisfy the judgment.

In the county the duties of the sheriff are somewhat similar to the duties of the constable in the township. He

is to subpœna witnesses, serve summonses, make arrests, and attend to the orders of the court. If necessary, he may summon every able-bodied man in the county to assist in the duties of his office, especially in times of riot. The marshal of the supreme court performs duties similar to those performed for the lower courts by the sheriff and the constable.

No person can be held for trial on a serious charge unless upon an indictment by the grand jury or on information filed by the prosecuting attorney. The grand jury is composed of twelve citizens of the county, chosen to investigate all crimes committed in the county and to indict or present for trial those believed to be guilty. This indictment merely means that the state regards the probabilities of guilt strong enough to warrant a trial. The right of the prosecuting attorney to hold a person for trial dates from an amendment to the constitution adopted a few years ago.

The petit jury is the trial jury. It is composed of twelve men whose duty it is to determine all questions of fact at issue in the case. They are chosen from the regular panel selected by the county court or from a special *venire*.

After the indictment is presented by the grand jury the judge orders the arrest of the accused, unless he should be already in custody. When brought into court the prisoner hears the reading of the charge against him and either pleads "guilty" or "not guilty." If he pleads guilty, the judge pronounces sentence upon him; if he pleads not guilty, the trial proceeds, — that is, the jury is chosen and sworn, and the witnesses are called by the state and by the defense. Then, after the instructions of the court are read, the lawyers make their arguments and the case is given to the jury. The jurymen retire to consider the merits of the case and to make up their verdict. If they declare that

the prisoner is not guilty, he is released ; if he is found guilty, the judge proceeds to pass sentence upon him. It is the duty of the sheriff to carry out the sentence of the court.

In a civil case the plaintiff files a statement of his claims with the circuit clerk, and this official notifies the defendant to appear in court. If a jury trial is demanded, the method of procedure is practically the same as that followed in criminal cases. Three fourths of the members of the jury may render a verdict in civil cases.

QUESTIONS

1. Why do we have courts? What is meant by the plaintiff? by the defendant?
2. Explain the duties of justices of the peace. What is meant by a change of venue?
3. What is the difference between a misdemeanor and a felony?
4. What are the powers and duties of the circuit courts? What are the necessary qualifications of a circuit judge? Draw a map of your judicial circuit. (See Appendix G.)
5. When may a case be appealed? Give examples of cases that would go to an appellate court. Discuss the appellate courts.
6. How many supreme judges are there? How is the court organized? What are its powers and duties? Give examples of cases that would go on appeal to this court. Is its decision final in every case?
7. What is meant by a court of common pleas?
8. Who are the executive officers of the courts? What are their duties?
9. What is the grand jury? What is meant by an indictment? What is the petit jury? What is meant by a verdict?
10. Have you ever attended a trial? Describe how a trial is conducted. Give examples of civil cases.
11. Can a judge be removed from office? Why should judges have longer terms than other officers? Do you favor the appointment or the election of our judges?
12. Should the jury system be abolished? What do you think of the changes made by the amendment to the constitution adopted in 1900? (See Appendix D.)

CHAPTER XI

COUNTY AND TOWNSHIP GOVERNMENT

It is a fundamental belief in this country that the people of the various localities have the right to manage their own local affairs. This right is outlined in the constitution of Missouri, and is thus definitely guaranteed to the people of the state. Therefore, for purposes of self-government the state is divided into counties, townships, and school districts, and, when population becomes sufficiently centralized, into villages, towns, and cities.

The largest of these local divisions is the county. At the time of the admission of Missouri as a state there were fifteen counties, while to-day there are, as we have seen, one hundred and fourteen and the city of St. Louis. But for all practical purposes St. Louis is really treated as a county. These counties vary in size and in population; their boundaries are established by the state legislature, though no change can be made without the consent of the districts affected.

It is the county that comes directly in touch with the state government at Jefferson City. Through it much of the work of the state government is in reality carried out. It is the unit upon which the election of representatives depends. The state taxes are collected by the county officials. The election returns are made through the county clerk; and in various other ways the county is recognized as the local unit of government.

The official business of the county is transacted at the county seat. For convenience it is generally located near

the center, and its location can be changed only with the consent of two thirds of the voters. The public buildings and offices are located here, and all public records, such as deeds, mortgages, wills, and court documents, are placed here for convenience and safe-keeping. The county officers are elected by the people on the first Tuesday after the first Monday in November. Their duties are too numerous and varied to be stated in detail, and therefore only the more important ones will be mentioned. It should be remembered that the representative, whose name appears upon the county ticket, is not a county officer.

The county court is composed of three judges,—one presiding judge elected for a term of four years from the county at large, and two associate judges elected for a term of two years from districts into which the county is divided for this purpose. This office is an important one and should be occupied by men of strict integrity and good judgment. A county judge must be at least twenty-four years old, must have been a citizen of the United States five years, and a citizen of the county for one year next preceding his election. This court has a wide range of duties. It has control of all the property of the county, settles accounts against the county, issues licenses for certain kinds of business, invests the county funds, provides polling places, approves the bonds of county officials, has supervision and control of the roads and bridges, settles with the county treasurer, and, in fact, has general superintendence of the business of the county. At least once a year the court must publish a statement of the financial condition of the county. It should be carefully noted that this court is not a judicial body, but is primarily administrative.

Four terms of the county court are held each year, on the first Monday in February, May, August, and November. Adjourned terms are held whenever necessary. The court meets monthly in counties having seventy-five thousand or more inhabitants. In addition to their administrative duties the judges are made conservators of the peace throughout the county.

The clerk of the court is elected by the people for a term of four years. He must be at least twenty-one years of age, a resident of the state for one year and of the county for two months. He is required to keep the records of the court; in fact, he is the bookkeeper and accountant and the custodian of all county papers and of the official seal of the county. It is his duty to prepare the tax books and make out an annual report to the state superintendent of public schools, giving the amount of income from the school funds and the amount of school taxes collected. He has charge of the apportionment of the state school fund to the various school districts of the county, and has certain duties to perform in connection with nominations and elections. He is paid by fees belonging to the office.

The probate judge has charge of the probate business, that is, a general oversight of the settlement of the estates of deceased persons, minors, and persons of unsound mind, and the supervision of executors and administrators. The probate judge is allowed to act as his own clerk and receives such fees for this as may be prescribed by law. The public administrator takes charge of estates when ordered to do so by the probate judge, or when no other provision has been made. Both officials are elected for a term of four years.

The circuit clerk makes out the docket of the circuit court, keeps a record of the court's proceedings, and issues

all legal papers necessary to carry out its will. In many counties he is also ex-officio recorder, although in counties of ten thousand inhabitants the county court may separate the office of circuit clerk and recorder. This latter official is required to keep an accurate record of deeds, mortgages, bonds, and all instruments of writing concerning land, goods and chattels, certificates of marriage, official bonds, and commissions, which are required by law to be recorded. The term of office is four years, and the payment is through fees appertaining to the office.

The sheriff is elected for a term of four years, and is eligible only four years in any one period of six years. It is his duty to execute the orders and judgments of the courts. He is required to preserve the peace, and has almost unlimited power in the performance of his duties. He is required to take charge of prisoners, to keep the jail, and to arrest all persons charged by the grand jury with a violation of the law.

The assessor is also elected for a term of four years. He prepares a list of all the taxable property of the county and places a fair value on the same. This list is made out between the first of June and the first of January in each year and is based upon the personal property and real estate owned by the taxpayers on the first day of June. When the assessment books have been approved by the county board of equalization they are turned over to the county clerk.

The county board of equalization is composed of the county court, the county clerk, the surveyor, and the assessor. It is the duty of this board to equalize the valuation placed upon property, both real and personal, and to hear and judge all complaints made in regard to the increase of taxes. The board receives five dollars per day for the time actually employed in this work.

The collector is elected for a term of four years and is ineligible as his own successor. After receiving the tax books which have been prepared by the county court, he gives notice of the time and place of making collections in the different townships and is required to make a monthly statement to the state and county treasurer of all taxes and licenses collected by him. Neither real estate nor personal property is exempt from sale upon failure to pay taxes. Taxes become delinquent after the first of January, and then a penalty of one per cent a month is levied in addition. The collector is paid by fees.

The treasurer is the custodian of the money of the county. He pays out money only on warrants properly signed by the county court. His term of office is two years and he cannot serve for more than two terms. He is required to give bond, and receives a reasonable compensation.

The prosecuting attorney is elected for two years. It is his duty to represent the state in prosecuting crime and in all civil suits in which the state or county is a party. It is his duty to look after all fines, penalties, debts, and forfeitures due the state. He is the legal adviser of the county officials. He receives a salary ranging from \$300 to \$1000, according to the number of inhabitants in the county. In addition to his salary, fees are allowed him in certain cases.

The county surveyor is elected for a term of four years. He is ex-officio road and bridge commissioner; he is required to keep a careful record of all surveys made by him, and, upon the order of courts of records must survey or resurvey any tract of land the title to which is in dispute before the court.

The school commissioner is elected for a term of two years by the qualified voters of the county. His election occurs at the time of the spring school elections; that is,

on the first Tuesday in April. A candidate for this office must be at least twenty-one years of age and must hold a teacher's certificate. Women are eligible as county commissioners. The county board of education, consisting of the county commissioner, a member appointed by the state board of education, and a member appointed by the county court, is required by law to hold examinations in March, June, and August of each year for the purpose of granting teachers' certificates. The county commissioner is authorized to hold special examinations at other times for the purpose of granting special certificates to such teachers as could not attend the regular examinations. He is required to keep a record of all certificates granted, to settle disputes concerning boundary lines of districts, to make an annual report to the state superintendent, and to provide for the annual meeting of the teachers of the county. He may, for sufficient reasons, revoke the certificate of any teacher.

In counties which have adopted county supervision the superintendent gives his whole time to a general supervision of all the schools of the county, except in cities where the school enumeration is one thousand or more. His salary ranges from \$200 to \$1000, according to the population of the county. It is provided by law that any county, by a majority vote of its legally qualified voters, may adopt county supervision. This vote is taken at the time of the annual school election held in April. Twenty-four counties in the state have so far (1908) adopted county supervision.

The coroner inquires into the cause of deaths by violence or by any unknown means. He impanels a jury of six men which investigates and reports upon the cause of death. If any individual is held responsible for the death, the coroner then takes measures to secure his arrest. The

coroner sometimes acts as sheriff when that official is for any reason disqualified. He is eligible only four years in any period of six years.

Though the county is the chief unit of local government, it is for convenience subdivided into smaller administrative divisions known as townships. In this state there are two kinds of townships, namely the "municipal" township and the "incorporated" township. The municipal township is not very important as a division of local government. In it two justices of the peace and a constable are elected, the former for a term of four years, the latter for two years. The duties of these officials are explained elsewhere.

An incorporated township is of considerable importance, as it has corporate powers and takes over much of the business that would otherwise go to the counties. The people of any county may, by a majority vote, adopt this plan of township organization. In addition to the constable and the justices of the peace, an incorporated township elects a township trustee, a clerk, a collector, a board of directors, and the necessary number of road overseers. All of these officials hold office for a term of two years. At present only two counties in the state have township organization. Sixteen other counties had adopted this plan also, but a recent decision of the supreme court declared the method of its adoption illegal.

The congressional township, six miles square, is not in reality a division of government, and need not be considered here. The school district, however, should be mentioned in this connection, though the discussion of its organization and activities is reserved for a later chapter.

QUESTIONS

1. What are the chief local divisions of the state? Why is the state thus divided?
2. How many counties in the state? What is the relation of the county to the state? What is the area and population of your county?
3. What is the county seat of your county? What is its importance? Have you visited the courthouse?
4. Make a list of the more important county officials. What are the duties of each? the terms? the salaries?
5. What is a township? What township do you live in? How many townships in your county? Draw a map of the county showing the townships.
6. What is a municipal township? an incorporated township? a congressional township? Which is the most important?
7. What are the boundaries of your school district?
8. Are there good reasons for electing men to county offices because they belong to a certain party?

CHAPTER XII

CITIES, TOWNS, AND VILLAGES

The divisions of local government described in the previous chapter are well adapted to the needs of any community as long as it remains primarily agricultural in its interests, but they do not meet the requirements of those more densely populated areas which have developed so rapidly as a result of the changed industrial conditions of the past century. Consequently new forms of government have been devised to meet the new conditions, and to-day the sphere of municipal government is of great importance and calls for considerable emphasis in any discussion of local administrative activities. The following paragraphs will attempt to outline the chief features of municipal government in Missouri.

Before the adoption of the present constitution (1875) a community desiring to organize as a town or city made application to the legislature for a charter of incorporation. This was an instrument in writing describing the boundaries of the city and defining its powers of government. Thus each town was incorporated by a special act, but as this plan led to a lack of uniformity and to various other evils it has been done away with. Though these special charters cannot be taken away from the cities possessing them, they may be voluntarily surrendered with the consent of a majority of the voters. There are at present twenty-six cities in the state with such charters, including both St. Louis and Kansas City. A city organized under

a charter may pass laws or ordinances for its government, provided these ordinances do not conflict with the provisions of the charter.

To-day cities may be incorporated only under the general laws of the state. Thus, according to the terms of the present constitution, the cities of the state are divided according to population into four classes, and all those in the same class possess the same rights and are subject to the same restrictions. All cities having a population of more than one hundred thousand are cities of the first class. Those having thirty thousand and less than one hundred thousand belong to the second class. Those having three thousand and less than thirty thousand belong to the third class. Those having five hundred and not more than three thousand belong to the fourth class. All towns with less than five hundred inhabitants, incorporated under a special charter, are classed with cities of the fourth class.

If the inhabitants of an unincorporated city or town wish to receive articles of incorporation, they must present a petition to the county court signed by a majority of the taxpaying citizens. When the court is satisfied that the petition meets the legal requirements, it then declares the city or town incorporated, describes its boundaries, and names its temporary officials.

Any town of less than five hundred inhabitants may organize as a village by presenting to the county court a petition signed by two thirds of the taxpaying inhabitants. If the petition is approved by the court, the village is then declared incorporated. A board of five trustees is appointed by the court, and the members of this board constitute the temporary officials of the newly created village.

St. Louis, Kansas City, and St. Joseph are the only cities in the state which have more than one hundred thousand

inhabitants. The two former are therefore considered cities of the first class, though they are governed by special charters. St. Joseph is still a city of the second class, as it does not wish to give up its present charter. According to the census of 1900 there are in Missouri thirty-two cities of the third class, two hundred twenty-one of the fourth class, eighty-seven towns, and two hundred twenty-eight villages.

There are three more or less distinct departments in the administration of city affairs, namely, the legislative, the executive, and the judicial. The city council constitutes the legislative department. In some cities this body of lawmakers is called the board of aldermen, in others the house of delegates, and in still others the municipal assembly. The mayor and other officials represent the executive authority, while the police magistrate constitutes the judicial department. No very definite line, however, can be drawn between these various spheres of municipal activity.

In most of the smaller cities the following officers are elected and hold office for a term of two years: the mayor, who is the chief executive officer, and who has a veto power in legislation; the recorder, or the police judge, who is the chief judicial officer; the marshal, whose duties are similar to those of the constable or sheriff; and the city attorney, who represents the city in all cases at law in which it is a party. In addition to these officials the people are called upon to elect a city council or lawmaking body. In the smaller cities organized under special charter the officials are practically the same as in those formed under the general law of the state.

The appointive officers of a city are usually as follows: the clerk who keeps a record of the proceedings of the

council; the auditor who is bookkeeper for the city; the treasurer who has control of the city's money; the collector who collects taxes and all other money due the city (duties often performed by the marshal); the assessor who makes an assessment of the property of the city, both real and personal, for the purpose of raising revenue to pay city expenses; the street commissioner who superintends all work on the streets; and the city engineer who establishes all grades for sidewalks and streets and does such other work as may be ordered. These officials are appointed by the council, or by the mayor with the approval of the council.

In the larger cities many other offices are created as new needs arise. The lawmaking body is sometimes composed of two houses. There may also be a comptroller, recorder of deeds, public administrator, inspector of weights and measures, coroner, and others. The qualifications of these officers are, in general, the same as the qualifications for county officials.

For convenience in government, cities and towns are divided into wards, the number depending on the class to which the municipality belongs. Voting precincts are arranged for each ward, and in order to prevent fraud in the elections each voter must cast his ballot in his own precinct. One or more members of the lawmaking body of the city must be elected from each ward, in order that all the people may be fully represented.

In cities of the first and second class there are city boards of equalization, whose business it is to protect the taxpayer against assessments on unusually high valuations. In all other cities the county boards of equalization have the right to increase or decrease the assessed valuation of property.

In cities having less than one thousand inhabitants the rate of taxation, for city purposes, shall not exceed twenty-five cents on the hundred dollars valuation. In cities having between one thousand and ten thousand inhabitants the rate shall not exceed fifty cents. In cities having more than ten thousand and less than thirty thousand inhabitants the maximum rate is sixty cents, and in cities of more than thirty thousand inhabitants it is one dollar. For the purpose of paying an indebtedness incurred by a two-thirds vote of the city, an additional rate, not to exceed five per cent of the assessed valuation of the city's property, may be levied.

The cost of maintaining city property becomes greater as the city itself develops. Special taxes are assessed for paving, grading, and macadamizing the streets, for police and fire protection, and for public utilities of all sorts. The cost of these improvements must necessarily be paid by taxation, either from the city revenues or by the property owners immediately affected by the proposed improvements. In spite of the higher cost of living, however, there are many advantages in the city which country people do not have. As a rule the cities have better schools than smaller towns; also they usually have well-equipped free libraries, museums, and other educational facilities which would clearly be impossible in less thickly settled localities.

St. Louis is the largest city in Missouri and the fourth in size in the United States. Its per cent of increase in population from 1890 to 1900 was 27.3. At the time of the last census its population was nearly six hundred thousand, making it the greatest city on or near the Mississippi river. It takes rank as the fourth manufacturing city in the United States. It is the terminus of twenty-four railway lines and has one of the largest union stations in the world.

The city covers an area of sixty-two and one-half square miles, with a river frontage of twenty miles. In 1876 the Scheme and Charter was adopted which made it independent of the county government.

The following are the ten largest cities in the state, given in order of size, with their respective populations according to the last census :

1. St. Louis	575,238	6. Sedalia	15,231
2. Kansas City . . .	163,752	7. Hannibal	12,780
3. St. Joseph	102,979	8. Jefferson City . .	9664
4. Joplin	26,023	9. Carthage	9416
5. Springfield	23,267	10. Webb City	9201

Kansas City ranks as the twenty-second city in size in the United States and St. Joseph as the thirty-fourth.

QUESTIONS

1. Why do the problems of local government change as towns and cities develop?

2. What was the method of getting a city charter before 1875? Compare the method followed to-day. Why are cities divided into classes? What population is required for each class?

3. How may an unincorporated town obtain articles of incorporation?

4. How may a village be organized?

5. What is the legislative body of a city? the executive department? the judicial department? Give illustrations of the work of each, and show how they overlap.

6. What is an ordinance? (Get a copy of a newspaper containing one.)

7. Name the more important city officials. What are the duties of each?

8. Why is a city divided into wards? If you live in a city, tell what ward you belong to. Can you give its boundaries?

9. What is the limit of taxation in cities? Why should this depend upon population?

10. Why should taxation be higher in towns and cities than it is in the country? Is incorporation an advantage or a disadvantage?

11. Give several facts showing the importance of the city of St. Louis.

12. Locate on the map the ten largest cities in Missouri. How do our largest cities rank with those of other states?

13. How many villages, towns, or cities in your county? Put them on your map of the county.

14. Did you ever attend a meeting of a city council? If so, describe the proceedings.

CHAPTER XIII

THE PUBLIC SCHOOL SYSTEM

Education is regarded by the state as a matter of great importance because it gives increased efficiency and needful training in citizenship to the people. Thus, the constitution of Missouri provides as follows: "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state between the ages of six and twenty years." The school system, established in accordance with this provision, embraces the district schools, the village, town, and city schools, the normal schools, and the State University. For the maintenance of this educational system funds are available from various sources, namely, from the United States government, from the state, the county, the township, and the district, and, finally, from certain special funds devoted to this purpose.

As the university and normal schools will be discussed under the head of State Institutions, only the public school system proper will be treated in the following paragraphs.

The state school fund is derived from the sale of certain lands granted by the general government to the state for educational purposes. In the first place, saline lands were contained in this grant, and later the swamp lands. Only a few years ago many thousand acres of swamp lands were given to the state for this purpose. The funds arising from

the sale of this land are invested by the state and the interest is used for the support of the public schools. Another source of revenue is that from the estates of persons who die without heirs. The sale of such property is made and the money arising therefrom is turned into the state school fund. From these two sources the state public school fund now amounts to \$3,159,223.

The county school fund is derived from fines, penalties, and forfeitures. As these funds belong to the counties, loans are made from them by the county courts, and the interest derived therefrom is used for the support of the public schools. The constitution requires that on such loans the county court shall require both real estate and personal security. Owing to the vast amount of money seeking investment, it is sometimes difficult to make loans of the school money on double security when banks are satisfied with either real estate or personal security. This fund is now \$4,804,390 for all the counties, and is increasing very rapidly.

By an act of Congress dated March 6, 1820, the national government generously gave the sixteenth section of every congressional township to be used for common school purposes. The first constitution of the state provided that this section in each township should be sold and the proceeds devoted to a township school fund. This fund now amounts to a total of \$3,997,608.

The constitution also provides that at least one fourth of the ordinary revenue of the state shall be appropriated for the use of schools, but for many years the legislature has been appropriating one third of the revenue for this purpose. This appropriation, together with the income from the state public school fund, is divided among the counties and school districts in proportion to the number

of children of school age in these local subdivisions. In 1907 each district received \$1.42 for each child of school age.

The local or district fund is obtained by direct taxation. The law requires each district to vote a tax of forty cents on the hundred dollars valuation for school purposes. This rate may be increased to sixty-five cents in the country districts, and to one dollar in cities, towns, and villages, if two thirds of the voters favor such increase. If the district orders the building of a schoolhouse, it must vote a further tax of forty cents on the hundred dollars valuation to pay for it, and by a two-thirds vote this amount may be increased to sixty-five cents on the hundred dollars valuation in country districts, and to one dollar in cities, towns, and villages. Thus it will be seen that in cities, towns, and villages a tax of one per cent may be levied for the support of the schools and the same amount may be levied, in addition, for building purposes. In country districts a tax of sixty-five cents may be levied for the support and maintenance of the schools, and a similar amount, as above provided, may be voted for building purposes.

In addition to the local taxes, the state appropriations, and the various school funds, there are various other sources of revenue available for the support of the schools. Most important of these, perhaps, are the railroad taxes, which amounted during the year 1906-1907 to something over \$600,000. There is also a seminary fund, of \$1,244,801, the income from which is used for the support and maintenance of the State University and the School of Mines and Metallurgy. Still other sources of income arise from special district funds, from delinquent taxes, and from the tuition received from nonresident pupils.

The only debt the state of Missouri now has is a bonded school debt consisting of certificates of indebtedness

amounting to \$4,398,839.42. Under the provisions of a law enacted in 1903, when one of these certificates matures it shall be canceled by the state board of education and a new certificate for a like amount in renewal thereof shall be executed by the governor for a period of twenty years. The new certificates are to bear the same rate of interest as those canceled, and this interest is to be paid semi-annually, that is, on the first day of January and of July of each year. The state tax of two cents on the hundred dollars valuation is for the purpose of making this payment.

A school district may be formed whenever a majority of the voters so decide. It is provided that such proposed district shall have in it at least twenty children between the ages of six and twenty. In forming a new district by dividing other districts, those divided as well as the one to be formed must contain at least thirty children of school age. Small districts make the school very convenient to the children, but are a great disadvantage as far as the question of revenue is concerned.

The school law provides that on the first Tuesday in April, each year, the qualified voters of each district shall meet and elect a director for a term of three years. Each country district has three school directors, but only one is elected each year. A vote is taken to determine the length of the school term and the rate of taxation. If the district has no schoolhouse, the assembled voters may determine to build one and decide what rate shall be levied to pay for the same. At this election, every other year, the voters express their choice for a school commissioner or a county superintendent. There are also many other subjects which may be considered at this meeting, such as changing the boundary lines of the district, the salary to be paid for a teacher, the procuring of fuel, and other matters of interest.

The board of directors organizes by electing one of its members president and by choosing a secretary, who may or may not be a member of the board. They are governed by a few simple regulations, and make such rules for the government of the school as may be necessary. The board is required to continue the school eight months or more in each year, if the tax of forty cents on the hundred dollars valuation will pay for the same. If, at the annual meeting, a new schoolhouse has been determined upon, the board may issue bonds, sell the same, and direct a levy on the district to pay them. The board is also given power to employ teachers and to make contracts with them. The law provides, however, that no contract is binding unless the teacher holds a certificate in force for the time for which he is engaged. This contract is signed by the teacher and the president of the board, and is attested by the clerk.

While the law provides that three or more districts may unite in order to form a "consolidated" high school, this has not been done to any considerable extent, and thus the high schools of the state are practically confined to the towns and cities. In the rural districts, as well as in the graded schools in villages, towns, and cities, only the more elementary subjects are supposed to be taught, and the more advanced work is left to the high schools. But as there are very few consolidated high schools in the country districts, some of the subjects of study belonging to a high school course are taught in the rural schools.

The districts comprising incorporated cities, towns, or villages have a larger population and a smaller and more compact area than the common school districts, and consequently they are usually able to maintain better schools. In these districts there is no meeting of the qualified voters,

but instead there is held on the same date an annual school election. Also the number of school directors is six, two of them being elected each year for a term of three years. And, furthermore, the number of teachers is necessarily increased, and supervisory officials, known as principals and superintendents, are appointed.

In addition to the elementary or graded schools these districts may establish secondary schools, or high schools as they are called, for the further training of the children of the district. At present there are four hundred and thirty high schools in the state, classified by the state superintendent according to the character and extent of the course of study followed by them.

A number of years ago a system of graded state and county certificates was established in Missouri. County certificates are of three grades: a third grade is valid for a period of one year, a second grade for two years, and a first grade for three years, in the county in which they are granted. There are at present two grades of state certificates, one for five years and one for life. The school law outlines the requirements necessary for the issuance of these various certificates.

The constitution provides that "separate free public schools shall be established for the education of children of African descent." It is also provided that the length of term must be the same as it is in the schools for white children. Whenever there are as many as fifteen colored children of school age in a district, a schoolhouse must be provided for them by the board. If there are fewer than fifteen, they may attend any school for colored children in the county and the school board must pay their tuition.

QUESTIONS

1. Why does the state constitution emphasize a free public school system? What schools compose this system?
2. From what sources is the state school fund derived? the county school fund? the township school fund?
3. How much of the state revenue is appropriated for the schools? How is the school money apportioned? How much did your district get in 1907?
4. How is the district fund obtained? How much may be levied for school purposes in country districts? in city districts? What is the levy in your district?
5. What is the "seminary fund"? What is meant by delinquent taxes? What is meant by nonresident pupils?
6. Explain the "certificates of indebtedness." Why does the state thus assume a permanent debt?
7. How may a school district be formed? Is it better to have a small district or a large one?
8. What business may be transacted at the April school meeting? Who are the members of your school board? What are their duties? Why should a teacher be required to have a certificate?
9. What is meant by a "consolidated school district"? Discuss the advantages and the disadvantages of this plan.
10. Compare the town or city school district with the common school district.
11. What provisions are made for the education of colored children?
12. Do you think the state justified in passing a law for compulsory education?
13. Should the state pass a law establishing county supervision?

CHAPTER XIV

ELECTIONS AND CITIZENSHIP

A purely democratic form of government is clearly impossible in our country on account of the vast extent of the country and the great number of its inhabitants. Hence, at stated periods fixed by law, elections are held for the purpose of choosing representatives to act for the people not only as law makers but also as law enforcers and law interpreters. In the state constitution under the Bill of Rights these words occur: "All elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent free exercise of the right of suffrage." The constitution further provides that a general election shall be held biennially, on the Tuesday next following the first Monday in November. Though it is provided that the general assembly may change this date by a two-thirds vote of all the members of each house, such power has as yet never been exercised. It happens that these elections come in the even-numbered years.

"Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people: first, he shall have resided in the state one year immediately preceding the election at which he offers to vote; second, he shall

have resided in the county, city, or town where he shall offer to vote at least sixty days immediately preceding the election."

The right of suffrage is thus restricted to certain classes, and is not coextensive with citizenship. The Constitution of the United States defines citizenship in the following words: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." A person born in the United States is a "natural-born" citizen, and can hold any office in the United States. A person born in a foreign country or of foreign parentage, who has declared allegiance to this government, is a "naturalized" citizen and can hold any office in the United States except that of President or Vice President. It should be borne in mind, however, that citizenship does not necessarily imply the right of voting. A person may be a citizen and not possess this right at all.

In fact, the right to vote is not a natural right, but is determined by law, and we find the law denying the suffrage to certain classes. Aliens are those who reside in this country, but are subjects of foreign governments. They are not citizens and consequently can take no part in political affairs. They have full enjoyment of social rights, but in some states their property rights are restricted. In a few states women have the right of suffrage equally with the men. In some states they have the right to vote upon school matters. In one state, Kansas, they are allowed to vote in municipal elections. Missouri has never made any provision for woman suffrage, and at a recent session of the legislature, the legislators went on record as being opposed to the holding of office by women. Everywhere minors are denied the right of suffrage.

Before considering the state and county elections in Missouri it may be well to notice the manner of electing the President of the United States, as well as the way in which the United States senators and representatives are selected to represent the state in national affairs.

The President is not elected by a direct popular vote, but by electors who are chosen by the people. In the election of the President each state selects a number of electors equal to the whole number of senators and representatives that it has in Congress. Thus, as Missouri has sixteen representatives and two senators, the state is entitled to eighteen electors. The names of these electors are placed on the respective party tickets and are voted upon by the qualified voters of the state. Those electors receiving the highest number of votes meet in their respective states and vote by ballot for President and Vice President, naming specifically the person voted for as President and the person voted for as Vice President. The result of this ballot is signed, certified, and transmitted to the seat of government of the United States.

The president of the Senate counts the votes in the presence of the Senate and House of Representatives. The person having the greatest number of votes for President is declared elected, provided that such number be a majority of the whole number of electoral votes. If it should happen that no one has a majority, then from the candidates, not exceeding three, who have the highest number of votes the House of Representatives chooses a President by ballot. In voting, however, the House of Representatives votes by states, each state having one vote, and a majority of all the states is necessary to a choice. If the House of Representatives should fail to choose a President before the fourth day of March next following the election,

then the Vice President would act as President. The person having the greatest number of votes for Vice President is declared elected, provided that he has received a majority of the whole number of votes. If no one has a majority, then from the two candidates having the highest number of votes the Senate shall choose the Vice President. A quorum for this purpose consists of two thirds of the whole number of senators, and a majority of the whole number is necessary to a choice.

Each state, regardless of the extent of its territory or the number of its inhabitants, is entitled to two United States senators. These are elected for a term of six years by the legislature of the state. As was explained in a previous chapter, there are one hundred and seventy-six members of the Missouri legislature, one hundred and forty-two representatives, and thirty-four state senators. When a United States senator is to be elected these two legislative bodies of the state meet in joint session, the President of the state senate presiding, and by ballot they elect a United States senator.

The state is divided into sixteen congressional districts, and each district is entitled to one representative in the national Congress. These representatives are selected at the general election by a direct vote of the people in the respective districts. They hold office for two years.

Under the present system of voting in Missouri the county court appoints four judges of election for each precinct. These judges must be qualified voters and able to read and write. They in turn appoint four clerks of the election. They also decide all questions regarding the qualifications of voters. If the judges are satisfied that the person before them is a legally qualified voter, they hand him a ballot on which is printed the names of all

candidates nominated by the party to which he belongs. In the designated voting places booths are so constructed that only one voter at a time can occupy a booth. The number of booths must be one for each hundred voters at the preceding election. Each booth is provided with a writing shelf and pencil. A constable has charge of the voting place and allows no one near the booths except those voting, and no one is allowed to stay within a booth more than five minutes. In order to prevent a voter from using a ticket prepared by some one before he enters the polling place, the two judges who have charge of the ballots must write their names or initials on the back of each ticket voted, either with ink or with an indelible pencil. When the voter enters the booth he marks the ballot as he desires, folds it so as to leave the initials of the judges outside, and hands it to the judges, who number it in the order in which it is received. The clerks then write his name and the number of his ballot on the poll books and deposit the ballot in the ballot box.

No voter is allowed to take away from the place of voting a ballot received from the judges, but if he wishes to retire after having received his ballot he must return it to the judges. If a voter has spoiled his ballot he must return it to the judges and receive another. Should the voter be unable to read and write, the judges may prepare his ballot. Voting places must be kept open from seven in the morning until six in the evening; but in cities of twenty-five thousand population or more, the polls must be kept open from six in the morning until seven in the evening. The sheriff provides two ballot boxes for each precinct, and delivers them to the constable, whose duty it is, at the proper time, to give them to the judges of the election. Two poll books are also furnished each precinct.

After the votes have been counted by the judges they are sealed in a package and delivered to the county clerk, who keeps them for a year. These packages are not to be inspected unless there is a contest. The poll books are also signed by the judges of election and attested by the clerks. Within two days after the election one of the poll books is sent to the county clerk; the other is retained by the judges, and is open to inspection. Within five days after the election the county clerk, with the assistance of two judges of the county court, examines and counts the votes given to each candidate, and the clerk issues certificates of election to those having the highest number of votes. The judges and clerks of the election receive as compensation such amounts as the county court may consider just and reasonable, but the maximum is one dollar and fifty cents a day.

Within thirty days after the election each candidate for office must file with the county clerk an itemized statement of his campaign expenses, giving the purpose for which the money was expended. A duplicate of this statement is filed with the recorder of deeds. No certificate of election can be issued until such statement is made, and those failing or refusing to comply with this law are subject to fine and removal from office.

The method of voting in Missouri, as described above, is a modified form of the Australian ballot system. This system was inaugurated in Australia as early as 1857. Massachusetts, in 1888, was the first state in the federal Union to adopt it, but in the following year nine states, including Missouri, passed laws providing for a new method of voting more or less resembling the Australian system. Since that time nearly all the other states have adopted the system, at least in a modified form.

QUESTIONS

1. Why is a purely democratic government impossible in a large and populous country? How then do the people express their will?
2. When is the general election held? Who are entitled to vote?
3. How does the Constitution of the United States define citizenship? Should women be given the right to vote? Should aliens? Should minors?
4. How is the President of the United States elected? How many votes in the electoral college does Missouri possess?
5. How are United States senators elected? What is meant by a joint ballot? Do you know why every state was given the same number of senators?
6. Do you think United States senators should be elected by a direct vote of the people? Why?
7. How many representatives is Missouri entitled to? What determines the number? (See Constitution of the United States.) Draw a map of your congressional district.
8. What are the duties of the judges of election? Describe a booth. What is a ballot? Who counts the votes? What is meant by a contested election? How is such contest decided?
9. Why are candidates required to file statements of their expenses?
10. Give a brief history of the Australian ballot system.
11. Topics for discussion: (*a*) political parties; (*b*) the caucus and the primary; (*c*) the political convention; (*d*) "machine politics"; (*e*) the party platform; (*f*) the campaign.

CHAPTER XV

TAXATION AND REVENUE

In order to defray the various expenses of any government it is necessary to demand contributions from the people. Such a contribution or payment is called a tax. There are two kinds of taxes—direct and indirect. Direct taxes are those levied upon property—real or personal—and are paid by the person to whom the property belongs. Indirect taxes are duties imposed on articles of consumption and are paid by the purchaser as a part of the price of the article. For example, taxes on liquors and tobacco and on articles imported into the country are indirect taxes. All taxes going to the general government are at present indirect, though that government has the power to levy a direct tax. State and county taxes are both direct and indirect, though most of the revenue comes from direct taxation.

Taxes levied upon goods imported into a country are known as “customs” duties. This species of tax is usually called a tariff. The English government at one time required all vessels entering the strait of Gibraltar to land at Tarifa, a seaport near the entrance to the strait, in order to pay tribute. This practice explains to us the origin of the word “tariff.” Our government requires all merchants bringing certain classes of foreign goods into our markets to pay a customs duty or tariff, which is added to the cost of the goods and paid ultimately by the consumer, as indicated above.

If the imported goods are taxed with reference to their quantity, the duty is known as a specific duty ; if they are taxed with reference to their value, the duty is called an *ad valorem* duty. The larger part of the revenue required to defray the expenses of the national government is derived from these customs duties. In addition, however, the government maintains an internal revenue tax, or excise tax, levied upon certain articles produced in this country, such as liquors and tobacco.

It is just as necessary, however, to meet the current expenses of the state, the county, the township, and the city, as it is that the national government should be supported. It is quite evident that the various officers must be paid, that roads and streets must be constructed and kept in repair, that public buildings must be erected, that schools must be supported, and that many other things must be done which require an expenditure of public money. A large part of the necessary revenue is raised by a direct tax levied on the real and personal property of the citizens of the state or locality. In addition, however, considerable revenue is derived from merchants' and peddlers' licenses, from dramshop licenses, from the corporation tax, from the tax on foreign insurance companies, from the manufacturers' tax, from the tax on railroads and express companies, and from various other sources, both state and local. More recently a collateral inheritance tax has been established for the support of the State University.

The tax is fifteen cents on the hundred dollars for state purposes, and a considerable part of this is given back to the counties for the use of the schools. In addition to this fifteen cents, however, the taxpayers must pay a tax of two cents on the hundred dollars valuation for the purpose of paying interest on the school certificates. Thus

the state tax, which every citizen must pay, is seventeen cents on the hundred dollars valuation, the lowest state tax in any state in the Union.

In the various counties the rate of taxation ranges from thirty-five to fifty cents on the hundred dollars, depending on the amount of property in the county. The constitution provides that for county purposes the rate of taxation shall not exceed fifty cents on the hundred dollars valuation whenever the property in the county is assessed at six million dollars or less. When the valuation is more than six and less than ten million dollars, the rate shall not be more than forty cents on the one hundred dollars valuation. In counties having more than ten million and less than thirty million dollars' worth of property, the rate shall not exceed fifty cents. When the taxable property amounts to thirty million dollars or more, the rate shall not exceed thirty-five cents on the hundred dollars valuation.

When a citizen pays his taxes to the collector the money is apportioned to the various purposes for which it is intended, namely, the state, the county, the school, and the road fund. The rates given in a Cole county tax receipt for the year 1907 may be taken as a fair average of the rates prevailing in the various counties of the state: rate for state taxes, seventeen cents on the hundred dollars valuation; for county purposes, fifty cents; for the road fund, five cents; for school purposes, forty cents. If the taxpayer lives in a city, he pays the city taxes also. The city has its own collector, but all the other taxes are collected by the county collector. Under the present law, if these taxes are not paid within five years from the time they become due and payable, they cannot be collected, but the officials have the power to compel payment within

the specified time through the seizure and sale of the property of the delinquent taxpayer.

In conclusion, a few general principles are here given upon which every system of taxation should be based.

1. Every citizen ought to contribute to the support of the government according to his ability to pay and according to the protection he receives.

2. Taxes ought to be collected at such a time and in such a way as will be most convenient for the taxpayer.

3. Estimates for the amount of revenue needed should be carefully made in order not to collect money from the people and have it lie idle in the vaults of the treasury.

4. The heaviest taxes should be imposed on such commodities as are regarded as luxuries or considered to be injurious to the people.

QUESTIONS

1. What is a tax? Give examples of direct and of indirect taxation. What are the advantages and disadvantages of each method?

2. What are "customs duties"? Give examples of specific and ad valorem duties. What is the policy of the United States in regard to the tariff? Does Missouri pay any part of the duties levied on imports?

3. What is an excise tax? Give examples. Do you justify such taxation? Does Missouri pay any of this tax?

4. Why are state and local taxes levied? How many ways of raising money by taxation can you mention?

5. What is the rate of state taxation? If a man is assessed at \$2500, how much will the state get?

6. What is the rate of taxation for county purposes? What is the rate in your county?

7. Whose duty is it to determine how much property a person has? Who collects the taxes? Can a man be compelled to pay his taxes?

8. Explain four general principles of taxation. Is it right that a wealthy man should pay more than his poorer neighbor?

9. Give arguments for and against the collateral inheritance tax.
10. Find the rate for state, county, road, and school purposes in your neighborhood. Compare with Cole county. If you live in a town or city, add the city tax. What is the total?
11. Is the lowest rate of taxation always the best?
12. Should a man possessing property worth \$50 or less be exempt from taxation?
13. Should schools and churches be exempt from taxation?

CHAPTER XVI

THE CARE AND MAINTENANCE OF HIGHWAYS

In the past the public highways of Missouri have not received the attention that their importance really demands. Perhaps indifference or neglect on the part of the people will largely explain the failure of legislators to devise suitable legislation on this question. For many years a poll tax was depended upon to furnish a large part of the revenue devoted to the maintenance of the roads. This was not usually paid in money, but the citizens were allowed to work out the tax on the roads, with the result that the work was apt to be done very imperfectly or even not done at all. From time to time laws have been passed, providing for a small levy to be made upon the taxpayers of the county for road purposes, but these laws have, for various reasons, failed to bring about the desired results. In 1900 an amendment to the constitution was adopted, which provided for a levy of fifteen cents on the hundred dollars valuation for road purposes, but this law was recently declared unconstitutional by the supreme court. Since this decision only five cents on a hundred dollars valuation has been collected for road purposes in many of the counties. In all of these laws the chief defect has been the lack of a systematic plan of road building and an intelligent supervision of maintenance and repairs.

In the last few years there has been a strong agitation for good roads, and many different plans have been discussed. As one result of this agitation the Forty-fourth

General Assembly of Missouri appropriated perhaps as much as one and a half million dollars for road purposes, and also enacted laws which may ultimately provide good roads in the state. A brief outline of these laws as they exist to-day will perhaps bring the situation clearly before us.

The general assembly appropriated for the roads of the state a large sum of money, amounting to \$475,198.13, received in 1905 from the United States government in payment of some old claims of the state for arming, equipping, and maintaining troops to protect the interests of the Union in Missouri during the period of the Civil War.

Another source of revenue for the road fund was provided in a law which requires that when anything is sold for future delivery there must be a stamp of the value of twenty-five cents placed upon the record of transfer to make the transaction legal. The funds derived from the sale of these stamps are to constitute a road fund which shall be distributed to the several counties of the state and to the city of St. Louis in the same proportion and in like manner as the state school funds are now distributed. It is estimated that the revenue derived from this tax will amount to more than half a million dollars biennially.

There was also appropriated by the legislature, from the general revenue of the state, the sum of five hundred thousand dollars for a "general state road fund," to be used in the several counties and in the city of St. Louis in the manner prescribed by law, for the purpose of aiding in the construction of roads, provided these local communities pay at least half the cost of such construction or improvement. The general road fund thus created is to be augmented by all money accruing to the state from any general or special levy of taxes for road purposes, or through any other source. The fund thus obtained is to be

expended only in the construction or permanent improvement of roads in the state, and is to be distributed in the following manner. When the county, the district, or the citizens of any locality shall provide for one half of the cost of construction of said roads, then the state will pay from this fund the other half; but the whole amount must be apportioned and distributed to the several counties of the state and to the city of St. Louis in proportion to the assessed valuation of their property. There is a provision, however, that no county or city shall be entitled to receive from the fund in any one year more than five per cent of the total amount belonging to the state road fund for use in that year. The law further provides that applications from the several counties for their portion of this fund must be sent to the state auditor on or before the first day of June of each year, and that all parts of such fund not applied for within two years shall revert to and remain a part of the general state road fund.

The law of the state also provides for a dramshop license of not less than \$100 nor more than \$200 for state purposes, and not less than \$250 nor more than \$400 for county purposes, for every period of six months, the amount to be left to the discretion of the court granting such license. The county court is required to set apart two thirds of all the revenue derived by the county from the saloons as a special road fund for the county, to be divided among the various road districts in proportion to the number of miles of public roads in each district.

There is also levied for road purposes a poll tax on every able-bodied male inhabitant of the state over twenty-one and under fifty years of age. This tax is never less than two dollars nor more than four dollars, and it may be paid either in money or in labor, at the rate of one

dollar a day for a man or two dollars a day for a man and team.

In some respects the most promising law is the one establishing the office of state highway engineer and providing for the appointment of a county highway engineer in each of the various counties. The state highway engineer is appointed by the state board of agriculture for a term of four years, and his salary is fixed at \$2400. His duties are (1) to devise plans and systems of highway construction best suited to the different counties; (2) to assist and advise county courts, township boards, and other officials whenever requested to do so; (3) to superintend the demonstrations of road building in the various counties; and (4) to make investigations and disseminate information concerning the problems of road building. The county highway engineer is appointed by the county court. It is his duty to superintend the building of roads in the county, subject to the orders of the state engineer. His salary, as fixed by the county court, may vary from \$300 to \$2000, depending upon circumstances.

A law providing for the dragging of the roads was also enacted by the Forty-fourth General Assembly. However, the road overseer is not allowed to expend more than five dollars per mile in any one year for this purpose, except upon rural mail routes, and these do not receive more than ten dollars per mile. Another law provides that no poles for the suspension of wires shall be erected on any highway without obtaining permission from the county court, and then not so as to obstruct traffic and public use. Still another relates to counties having township organization, and provides as follows: (1) the township board at the April meeting each year shall assess a poll tax and also the amount of road tax to be levied on real and personal

property; (2) in addition they assess all railroads, telegraph and telephone lines outside of the incorporated cities, towns, and villages; (3) the township clerk must certify the amounts assessed in the township and send a statement of them to the county clerk on or before the tenth of August each year; (4) the county court shall levy the rate thus certified by the township clerk.

Special road districts may be formed upon petition to the county court, signed by the requisite number of qualified voters. The boundaries of a special road district may also be extended by a petition signed by fifty qualified voters of the proposed district. Not less than twenty-five of these voters must reside in the old district, and not less than fifteen in the territory proposed to be annexed. If the district should embrace parts of more than one county, the petition must be sent to the county courts of all the counties affected. The county court shall then give notice of an election, and the voters decide by a majority vote whether or not the boundaries shall be extended. If the vote is favorable to the proposed extension, the county court then makes an order to that effect, and appoints a road commissioner to superintend the work of construction and improvement in the new district. Whenever any incorporated city, town, or village fails to maintain its corporate existence, the county court of the county in which such municipality is situated shall attach it to an adjacent road district, and the road commissioner of that district shall have control of its highways and streets.

The main features of the general road law are as follows. A petition signed by one hundred taxpaying citizens may be presented to the county court, asking that an election be held, submitting to the qualified voters of the county a proposition to issue bonds for the purpose of building

macadamized roads. The county court shall order an election within forty-five days after receiving such petition, provided that the county indebtedness is not already as much as the constitution allows. The election held for this purpose shall be held in the same manner as other elections; and if two thirds of the qualified voters at such election shall vote in favor of bonding the county, it then becomes the duty of the county court to provide for the issuance of the bonds. The proceeds from the bond sale shall be turned into the county treasury and kept as the "road construction fund," and used for no other purpose. These bonds are not to bear a higher rate of interest than five per cent, they mature within twenty years from date, and they are exempt from taxation. It becomes the duty of the court to levy an annual tax on all taxable property sufficient to pay the interest on these bonds as it becomes due, and also to pay at least one twentieth of the principal. These bonds shall be made payable at any time within twenty years, at the call of the county. They are numbered consecutively, and must be paid in the order of the numbers they bear.

It is also the duty of the county court to employ a civil engineer to make estimates of the cost of construction, to furnish plans and specifications, to make all necessary surveys, and to get estimates on the necessary building materials. When the engineer presents estimates that are acceptable to the court, the latter then advertises for bids and lets the contract to the lowest responsible bidder, provided the bid is in accordance with the plans and specifications.

This completes our outline of the laws of the state upon the important question of the building and maintenance of the highways. Though it is as yet too early to determine

the efficacy of this legislation, still we feel that the movement for the betterment of the state's highways is destined to accomplish important practical results.

QUESTIONS

1. Why is the question of good roads an important one?
2. What is a poll tax? Look up the amendment adopted in 1900. (See Appendix D.) What have been the chief defects in road legislation?
3. What proof have you that the road question is now attracting considerable attention? What was the "war debt"? What is the nature of the stamp tax? Can you mention any other taxes that go to the road fund?
4. Explain how the "general state road fund" is to be used. Should the localities pay half of the expense?
5. What are the duties of the state highway engineer?
6. What is meant by road dragging? Who has control of the county highways? What powers in regard to roads are possessed by incorporated townships?
7. How may a new road district be formed? How may the boundaries of a district be extended? Who is road overseer in your district? What are his duties?
8. Under what conditions may the county court issue bonds for road construction? What is a bond? How are bonds finally paid?
9. What are the duties of the county highway engineer? Look up in the newspapers several advertisements for bids. How is it determined who shall get the contracts?
10. Do you believe that the laws passed by the last legislature will result in good highways for the state?

CHAPTER XVII

LAND SURVEYS

In the original thirteen states of the American Union no clear or definite system of land surveys was followed, and considerable confusion in titles and boundary lines was the natural result. But when the lands between the Ohio, the Mississippi, and the Great Lakes were acquired by the United States a simple and uniform system of surveys was outlined for them in the important Land Ordinance Bill of 1785. Since that time the same system has been applied to all lands belonging to the federal government, which have been opened for settlement. Therefore the following description applies to all of the other states from Ohio to Oregon as well as it does to the state of Missouri.

In all land surveys it is evident that there must be some starting point. Accordingly the surveyors of the United States have designated twenty-four lines running due north and south as principal meridians, and these serve as convenient starting points for all surveys in that portion of the country from Ohio westward. There are also lines running east and west, called parallels, and these serve as "base lines" in surveys. Starting from a base line, a surveyor measures along a principal meridian, marking each half-mile point and each mile point, the latter being a section corner. A township corner is established at each six-mile point. In the same manner the half-mile, the mile, and the six-mile corners are marked on the base lines, beginning at the point of intersection with the principal meridian.

The fifth principal meridian begins at the mouth of the Arkansas river and extends through Missouri, Iowa, and Minnesota. Its base line runs west from the mouth of the St. Francis river, passing a little south of Little Rock. Missouri, Iowa, that part of Minnesota lying west of the Mississippi, and that part of Dakota east of the Missouri, are surveyed from this meridian and its base line.

Taking the principal meridian as a starting point, lines running north and south parallel to the meridian and six miles apart at the base line are established. These are called range lines, and the space between any two of them is called a range. Then taking the base line as a starting point, lines are run east and west parallel to it and six miles apart. The land is therefore laid off into divisions six miles square. Such a division, or square, is called a congressional township, so named because these surveys were made by order of Congress.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

DIAGRAM 1

The student should bear in mind the difference between a congressional township and a municipal township, as explained elsewhere. Since congressional townships are six miles square, each one must contain thirty-six square miles. Each square mile is called a section and contains 640 acres. A quarter section is a half mile square and contains 160 acres. The sections of a township are numbered as in Diagram 1.

By way of illustration we may take section 16 from Diagram 1 and divide it as in Diagram 2. The whole section contains 640 acres. a is a

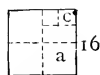


DIAGRAM 2

quarter section and contains 160 acres. It is described as the southeast quarter of section 16. c is described as the northeast quarter of the northeast quarter of section 16

and contains 40 acres. On tax receipts *c* would be described as follows: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 16.

We have learned in our geographies that meridians are farthest apart at the equator, and that the farther north they extend the closer together they come, until finally they meet at the north pole. This being true, it follows that the line bounding the north side of a congressional township is slightly shorter than the line bounding the south side. A township then is not a perfect square; its east and west sides are equal, but its north and south sides are not quite equal in length. In latitude 40° the

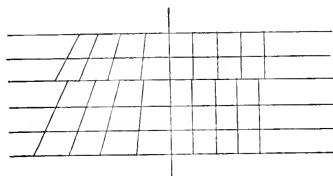


DIAGRAM 3

boundary line on the south side of a congressional township is about three rods longer than the boundary line on the north side. While the south line is longer than the north line, even the south line is less than six miles unless it is the base line. To prevent this narrowing of the meridians from destroying the system, the surveyors make what they call correction lines. These are made by surveying from the principal meridian east or west, as the case may be, and thus starting a new correction line six miles long. Then the township on the north side of this correction line is six miles in width at the base, but the one on the south is less than six miles. Diagram 3 will illustrate these correction lines and the way in which they maintain a reasonable uniformity in the system.

Diagram 4 illustrates the principal meridian, base line, and township and range lines extending north from the

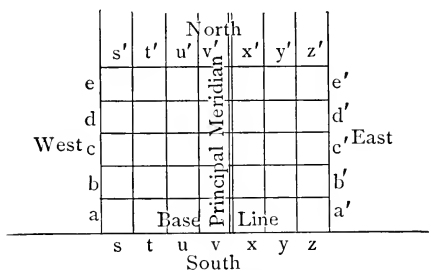


DIAGRAM 4

base line and east and west from the meridian.

aa' is township one north of base line.

bb' is township two north of base line.

cc' is township three north of base line.

dd' is township four north of base line.

ee' is township five north of base line.

ss' is range four west of fifth principal meridian.

tt' is range three west of fifth principal meridian.

uu' is range two west of fifth principal meridian.

vv' is range one west of fifth principal meridian.

xx' is range one east of fifth principal meridian.

yy' is range two east of fifth principal meridian.

zz' is range three east of fifth principal meridian.

Suppose we are required to locate the $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 22; Twp. 3 North; Range 2, West; and tell how many acres it contains. In Diagram 5, Range 2 West is the second tier of townships west of the principal meridian. Township 3 North is found in the third tier of townships north of the base line. Within the township thus located section 22 may be easily found. (See Diagram 1.)

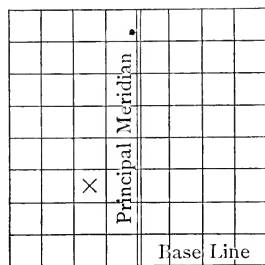


DIAGRAM 5

(See Diagram 1.)

If Diagram 6 represents Sec. 22; Twp. 3 North; Range 2 West; then a, b, c, d is the NW $\frac{1}{4}$ of Sec. 22 (160 acres); a, e, i, x is the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 22 (40 acres); a, o, t, z , is the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of this section and contains 10 acres.

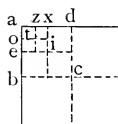


DIAGRAM 6

QUESTIONS

1. Why is a uniform system of land surveys necessary? What are meridians? parallels? Locate the meridian and "base line" (parallel) from which Missouri lands are surveyed.
2. Explain how the surveyor lays off the sections and the townships. What is a range line?
3. How large is a congressional township? How many acres in a section? half section? quarter section? How are the sections in a township numbered?
4. How are correction lines made? Why is this necessary?
5. Do you fully understand Diagram 4? What does it illustrate?
6. Draw diagram and locate this piece of land: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 23; Twp. 8 North; Range 6 West. Give various other examples for the pupils to work out.
7. What range do you live in? What township? What section? Can you draw a diagram to show the exact location of your father's farm? Write this out as it would appear on a tax receipt.

CHAPTER XVIII

THE STATE INSTITUTIONS

There are in Missouri twenty-one institutions owned and supported by the state. These institutions are chiefly educational, eleemosynary, or penal in character, and may well serve to show certain phases of the state's activities. The cost of maintaining these various institutions is about \$4,000,000 for each biennial period.

EDUCATIONAL

The State University is at the head of the public school system of Missouri. The legislature established the school system in 1839 and at the same time established the University as its head. This institution was located at Columbia. In 1840 the corner stone of the main building was laid and academic instruction was begun in 1841. The legislature gave its first support to the University in 1868 by making a small appropriation of \$10,000. The biennial appropriation in 1907 was \$750,000. New buildings have been constructed from time to time, the enrollment has steadily increased, and new departments have been added. The University now comprises the following departments: (1) graduate department, for college or university graduates who wish to do more advanced work; (2) college of arts and sciences, for those who are candidates for the A.B. degree; (3) teachers' college; (4) department of law; (5) department of medicine; (6) military department; (7) college of agriculture and

mechanic arts, embracing (*a*) a school of agriculture, and (*b*) an experiment station; (8) school of engineering; and (9) school of mines and metallurgy. The University is governed by a board of nine curators appointed by the governor for a term of six years. Members of the board receive no compensation except their expenses.

In 1870 the legislature, in accepting the donation of land for educational purposes made by act of Congress, July 2, 1862, established an agricultural and mechanical college and a school of mines and metallurgy. The School of Mines and Metallurgy is located at Rolla and was opened in 1871. By statute it is made one of the colleges or departments of the State University. There are nine buildings on the campus. There are four regular courses extending through four years, and also several special courses. The school is managed by an executive committee consisting of three members of the Board of Curators of the State University, selected by that body.

In 1870 the legislature of Missouri divided the state into two districts for the purpose of establishing normal schools, the counties north of the river constituting the first district and those south of the river, with the exception of St. Louis county, constituting the second district. A third district for southeastern Missouri was established by an act of the legislature three years later. In 1905 two new normal schools were established, one for northwestern and one for southwestern Missouri. These state normal schools are located at Kirksville, Warrensburg, Cape Girardeau, Springfield, and Maryville. Each one is managed by a board of regents, six in number, appointed by the governor for a term of six years. The state superintendent of public schools is *ex officio* a member of the various boards. These schools are supported by state appropriations.

Lincoln Institute, a normal school for negroes, had its origin in a fund of \$6379 contributed by the sixty-second and sixty-fifth regiments of United States colored troops, for the purpose of establishing in Missouri a school for the colored people. This school was opened in 1866 as a private institution. As the legislature could not appropriate state funds for private purposes, the school was finally turned over to the state in 1870, in order that regular appropriations might be made to it. In addition to the usual work of a normal school, this institution has industrial and agricultural departments. It is managed by a board of regents composed of seven white men appointed by the governor of the state.

ELEEMOSYNARY

1. State Hospital No. 1 is located at Fulton, and was the first institution of its kind in the state. It was established in 1847 for the care of the insane. Those inmates who are able to work are given duties on the farm or in the shops. Thus it is an industrial institution as well as a hospital.

2. State Hospital No. 2, established by the legislature in 1872, is located at St. Joseph. There are nearly 1200 inmates at present. This is also an industrial institution for those who are able to work.

3. State Hospital No. 3 is located at Nevada. It was established by the legislature in 1887. In addition to the usual farm crops, fruit and garden products to the amount of \$5000 or \$6000 annually are grown upon the property belonging to the institution.

4. State Hospital No. 4, located at Farmington, was established by the legislature in 1899. It is similar in character to the other state hospitals.

5. The Missouri School for the Blind is located in St. Louis. It owes its origin to Mr. E. W. Whelan, in coöperation with the clergy of St. Louis. As a result of their efforts the school was established in 1851. It finally outgrew its accommodations, and consequently the legislature in 1903 appropriated \$30,000 for a site and \$120,000 for a new building. The legislature in 1905 appropriated \$166,000 additional for buildings and furnishings. This school is said to be one of the finest institutions in the country for the education of the blind.

6. The Federal Soldiers' Home is located at St. James. It was founded by the Women's Relief Corps and the Grand Army of the Republic in order to provide a home for old and dependent federal soldiers. In 1897 the property was conveyed to the state of Missouri, and its management vested in a board of five managers serving without compensation.

7. The Confederate Soldiers' Home is located at Higginsville. This institution was begun by a company of charitable men and women in order to care for dependent ex-confederate soldiers, their wives, widows, and orphans. By an act of the legislature in 1897 the home was declared to be an eleemosynary institution and its support was assumed by the state. Both the federal and confederate homes have cost the state very little for buildings, these having been generally built by private subscription.

8. The Missouri Colony for the Feeble-minded and Epileptic is located at Marshall. It was established by act of the legislature in 1899. Six cottages have been erected and appropriations made for other buildings.

9. The Missouri School for the Deaf is located at Fulton. It was established by the legislature in 1851. At its opening there was only one pupil, but at present (1908) there

are about 350 pupils. Various trades, such as cooking, printing, gardening, blacksmithing, etc., are taught. Its management is in the hands of a board of five members.

PENAL

1. Of the three penal institutions, by far the largest is the State Penitentiary. This institution is located at Jefferson City. It was established by the legislature in 1833. The state's property at the penitentiary is estimated to be worth about \$2,000,000. The number of convicts is usually somewhat over two thousand. By hiring out these convicts to various factories, the income of the penitentiary is greater each year by several thousand dollars than the expense. A board of inspectors composed of the state treasurer, state auditor, and attorney-general is required to inspect the prison monthly. The governor appoints the warden and the physician. All other prison officials and employees are appointed by the warden with the consent of the prison board.

2. The Missouri Training School for Boys is located at Boonville and was established in 1888. There are 358 acres of land belonging to the school, and since its beginning fifteen brick buildings have been erected. Boys who are incorrigible are sent here for correction, and there are at present about 430 of them in the institution. The government is vested in a board of managers composed of five members, who receive their appointment from the governor.

3. The State Industrial Home for Girls was located at Chillicothe in 1887. The buildings are on the cottage plan, and the aim of the institution is practically the same as that of the training school for boys. The management is vested in a board composed of five members appointed by the governor for a term of six years.

SANITARIUM

The Missouri State Sanitarium was established by an act of the legislature in 1905. This institution has for its object the treatment of cases of tuberculosis in its earlier stages. An appropriation of \$50,000 was made by the legislature which established it, and generous appropriations have since been made. The institution is located at Mount Vernon.

QUESTIONS

1. Make a list of the state institutions under the following heads: (*a*) educational; (*b*) eleemosynary; (*c*) penal. Is there a state institution in your county? Have you ever visited a state institution?
2. What is the purpose and scope of the State University? When was it established? Where is it located? Give briefly its history.
3. Locate on the map each of the state normal schools. What is the special aim of a normal school?
4. Locate on the map the state hospitals. Explain their object and character.
5. Name and locate other important eleemosynary institutions.
6. Locate each of the penal institutions. Explain the character and importance of each. Do you justify the policy of hiring out the convicts at the penitentiary?
7. What is the general purpose of the new state sanitarium? Where is Mount Vernon?
8. Do you think the state should establish and maintain all of these institutions? Why?

APPENDIX A

LIST OF IMPORTANT DATES

- 1541. Discovery of the Mississippi.
- 1673. Expedition of Marquette and Joliet.
- 1682. La Salle explores the Mississippi to its mouth.
- 1735. Ste. Genevieve founded.
- 1763. Spanish control of Louisiana west of the Mississippi.
- 1764. Founding of St. Louis.
- 1800. Louisiana ceded to France again. The census.
- 1803. The Louisiana Purchase.
- 1805. Organization of the Territory of Louisiana.
- 1810. Settlement of Franklin.
- 1812. Organization of the Territory of Missouri.
- 1816. Missouri made a territory of the highest class.
- 1820. A state constitution adopted.
- 1821. Admission of Missouri as a state.
- 1826. Removal of the capital to Jefferson City.
- 1831-1840. Trouble with the Mormons.
- 1836. The Platte Purchase.
- 1839. Iowa boundary dispute. State University established.
- 1845. Constitutional Convention.
- 1846-1848. War with Mexico.
- 1849. The Jackson Resolutions.
- 1850. The first railroad begun. Defeat of Senator Benton.
- 1853. Increased support to public school system.
- 1854-1860. Struggle for Kansas. Border warfare.
- 1857. Dred Scott decision.
- 1861. Missouri opposed to secession.
- 1861-1865. Civil War in Missouri.

1865. Abolition of slavery. Adoption of the second state constitution.
1870. Overthrow of radical Republican party. End of reconstruction.
1875. Adoption of the present constitution.

APPENDIX B

THE GOVERNORS OF MISSOURI

- Alexander McNair . . . 1820-1824.
- Frederick Bates . . . 1824-1825. Died Aug. 1, 1825.
- Abraham J. Williams . . 1825. President of senate, became acting governor.
- John Miller 1826-1828. Chosen at special election.
- John Miller 1828-1832.
- Daniel Dunklin 1832-1836. Resigned Sept. 20, 1836.
- Lilburn W. Boggs . . . 1836. Lieutenant governor, became governor for unexpired term.
- Lilburn W. Boggs . . . 1836-1840.
- Thomas Reynolds . . . 1840-1844. Died Feb. 9, 1844.
- M. M. Marmaduke . . . 1844. Lieutenant governor, became governor for unexpired term.
- John C. Edwards . . . 1844-1848.
- Austin A. King 1848-1853.
- Sterling Price 1853-1857.
- Trusten Polk 1857. Resigned Feb., 1857.
- Hancock Jackson . . . 1857. Lieutenant governor, became acting governor.
- Robert M. Stewart . . . 1857-1861. Chosen at the special election.
- Claiborne F. Jackson . . 1861. The convention superseded him and appointed a provisional governor.

Hamilton R. Gamble . . .	1861-1864.	Provisional governor under the convention.
Willard P. Hall . . .	1864-1865.	Provisional governor after death of Gamble.
Thomas C. Fletcher . .	1865-1869.	
Joseph C. McClurg . .	1869-1871.	
B. Gratz Brown . . .	1871-1873.	
Silas Woodson . . .	1873-1875.	
Charles H. Hardin . .	1875-1877.	
John S. Phelps . . .	1877-1881.	
T. T. Crittenden . . .	1881-1885.	
John S. Marmaduke . .	1885-1887.	Died Dec., 1887.
Albert P. Morehouse . .	1887-1889.	Lieutenant governor, became governor for unexpired term.
David R. Francis . . .	1889-1893.	
William J. Stone . . .	1893-1897.	
Lon V. Stephens . . .	1897-1901.	
A. M. Dockery . . .	1901-1905.	
Joseph W. Folk . . .	1905-	

APPENDIX C

BATTLES OF THE CIVIL WAR IN MISSOURI

It is impossible to give the entire list of battles and skirmishes in Missouri during the Civil War. The following list contains the more important ones.

Potosi, May 14, 1861.	Athens, Aug. 5, 1861.
Boonville, June 17, 1861.	Wilson's Creek, Aug. 10, 1861.
Carthage, July 5, 1861.	Moreton, Aug. 20, 1861.
Monroe Station, July 10, 1861.	Bennett's Mill, Sept., 1861.
Overton's Run, July 17, 1861.	Drywood Creek, Sept. 7, 1861.
Dug Springs, Aug. 2, 1861.	Norfolk, Sept. 10, 1861.

Lexington, Sept. 12-20, 1861.	Rose Hill, July 10, 1862.
Blue Mills Landing, Sept. 17, 1861.	Florida, July 22, 1862.
Glasgow, Sept. 20, 1861.	Moore's Mill, July 28, 1862.
Osceola, Sept. 25, 1861.	Chariton River, July 30, 1862.
Shanghai, Oct. 13, 1861.	Kirksville, Aug. 6, 1862.
Lebanon, Oct. 13, 1861.	Compton's Ferry, Aug. 8, 1862.
Big River Bridge, Oct. 15, 1861.	Independence, Aug. 11, 1862.
Linn Creek, Oct. 16, 1861.	Yellow Creek, Aug. 13, 1862.
Fredericktown, Oct. 21, 1861.	Lone Jack, Aug. 16, 1862.
Springfield, Oct. 25, 1861.	Newtonia, Sept. 13, 1862.
Belmont, Nov. 7, 1861.	Springfield, Jan. 8, 1863.
Piketon, Nov. 8, 1861.	Cape Girardeau, April 29, 1863.
Little Blue, Nov. 10, 1861.	Marshall, Oct. 13, 1863.
Clark's Station, Nov. 11, 1861.	Pilot Knob, Sept., 1864.
Mount Zion Church, Dec. 28, 1861.	Harrison, Sept., 1864.
Silver Creek, Jan. 15, 1862.	Rocheport, Sept. 23, 1864.
New Madrid, Feb. 28, 1862.	Centralia, Sept. 27, 1864.
Pea Ridge (Ark.), Mar. 6, 1862.	Prince's Ford, Oct. 5, 1864.
Neosho, April 22, 1862.	Moreau River, Oct. 7, 1864.
Cherry Grove, June, 1862.	Glasgow, Oct. 8, 1864.
Pierce's Mill, June, 1862.	Little Blue Creek, Oct. 20, 1864.
	Albany, Oct. 27, 1864.

APPENDIX D

OUTLINE OF THE CONSTITUTION OF MISSOURI

PREAMBLE

"We, the people of Missouri, with profound reverence for the Supreme Ruler of the universe, and grateful for his goodness, do, for the better government of the state, establish this constitution."

ARTICLE I

BOUNDARIES

SECTION 1. The boundaries as established are ratified and confirmed. Concurrent jurisdiction over rivers bordering on the state. Free use of all navigable rivers.

ARTICLE II

BILL OF RIGHTS

SECTION 1. All political power is vested in and derived from the people ; all government is founded upon their will and exists solely for their good.

SECTION 2. The people of the state have the sole right to regulate their own affairs and alter their form of government. But any such change must be in accordance with the Constitution of the United States.

SECTION 3. Missouri is a free and independent state, subject only to the Constitution of the United States. The people will never assent to any impairment of this right of self-government.

SECTION 4. It is the duty of all constitutional governments to promote the general welfare and to guarantee to the people their natural right to life, liberty, and property.

SECTION 5. Every man has the right to worship God according to the dictates of his own conscience. No one is ineligible to office on account of his religious opinions, nor is he disqualified thereby for service as a juror or as a witness. This liberty of conscience, however, does not permit a disregard of the rights of others or of the peace and safety of the state.

SECTION 6. No person shall be compelled to support any religious organization or creed, but all voluntary contracts must be kept.

SECTION 7. No public money shall be given to aid or support any church or denomination.

SECTION 8. No religious corporation shall be established in this state, except under a general law and only for the purpose of holding the title to church property.

SECTION 9. There shall be no interference with the free exercise of the right of suffrage.

SECTION 10. The courts shall be open to every person, and justice shall be administered without sale, denial, or delay.

SECTION 11. People shall be secure in their homes, and free from arrest unless on good cause, supported by oath and reduced to writing.

SECTION 12. No person shall be proceeded against for felony otherwise than by indictment or information. Those in military service are exceptions to this rule.

SECTION 13. Treason is defined and method of conviction outlined. No person shall be attainted of treason or felony by the general assembly, and no conviction shall work corruption of blood.

SECTION 14. Freedom of speech and of the press is guaranteed.

SECTION 15. The general assembly shall not pass an *ex post facto* law, nor make any irrevocable grant of special privileges or immunities.

SECTION 16. Imprisonment for debt is not allowed except for the nonpayment of fines and penalties imposed for violation of law.

SECTION 17. The right to bear arms in defense of home, person, and property, or in aid of the civil power, shall not be taken away; but no one shall carry concealed weapons.

SECTION 18. Every officer, state or municipal, elected or appointed, must give his time to the performance of his duties.

SECTION 19. A collector of public money is not eligible to any other office until he shall have paid over all the money for which he is accountable.

SECTION 20. Private property shall not be taken for private or public use without the consent of the owner, except in the manner prescribed by law.

SECTION 21. Private property shall not be taken for public use without just compensation. This compensation is to be determined by a jury or a board of commissioners of not less than three freeholders.

SECTION 22. The rights of a person accused of crime are as follows :

- (a) to appear in person ;
- (b) to defense by counsel ;
- (c) to demand the nature and cause of accusation ;
- (d) to meet witnesses face to face ;
- (e) to compel attendance of witnesses ;
- (f) to have a speedy trial by a jury.

SECTION 23. No person shall be compelled to testify against himself, nor shall he be tried more than once for the same offense.

SECTION 24. All persons shall be bailable except for capital offenses where the proof is evident or the presumption great.

SECTION 25. Excessive bail, fines, and punishments shall not be imposed.

SECTION 26. The privilege of the writ of *habeas corpus* shall never be suspended.

SECTION 27. The military shall always be subordinate to the civil power. Provisions regarding the quartering of soldiers.

SECTION 28. The right of trial by jury shall remain inviolate. In courts, not of record, juries may consist of less than twelve men. A grand jury shall consist of twelve men, any nine of whom may find a true bill.

SECTION 29. People have the right peaceably to assemble and to petition for redress of grievances.

SECTION 30. No person shall be deprived of life, liberty, or property without due process of law.

SECTION 31. There shall be no slavery or involuntary servitude except as a punishment for crime for which the party has been duly convicted.

SECTION 32. This enumeration of rights shall not be construed as denying or disparaging other rights retained by the people.

ARTICLE III

THE DISTRIBUTION OF POWERS

The powers of government shall be divided among three distinct departments, namely, the legislative, the executive, and the judicial.

ARTICLE IV

LEGISLATIVE DEPARTMENT

SECTION 1. The legislative department is vested in a senate and a house of representatives, together styled The General Assembly of the State of Missouri.

REPRESENTATION AND APPORTIONMENT

SECTION 2. Choice and apportionment of representatives. See Chapter VII for details of this and various other sections.

SECTION 3. When a county is entitled to more than one representative the county court shall divide the county into districts. When the county is entitled to more than ten representatives the circuit court shall divide it into districts.

SECTION 4. Qualifications of the members of the house of representatives.

SECTION 5. The state shall be divided into convenient senatorial districts. Senators are to be elected for four years.

SECTION 6. Qualifications of senators. When a county is entitled to more than one senator the circuit court shall divide the county into compact and contiguous districts.

SECTION 7. The apportionment of representatives and senators shall be revised and adjusted every ten years.

SECTION 8. Until the apportionment is made the house of representatives shall consist of 143 members, divided among the counties as outlined.

SECTION 9. Senatorial and representative districts may be changed as public convenience may require. When two or more counties compose the senatorial district, they shall be contiguous.

SECTION 10. Half the senators are elected every two years. Districts having odd numbers are in the first class. Those having even numbers are in the second class.

SECTION 11. The districts are here outlined until permanent divisions are made by the legislature.

SECTION 12. No member of the general assembly shall, during the term for which he shall have been elected, be appointed to any office either state or municipal.

SECTION 13. The office of senator or representative is vacated by removal from the district.

SECTION 14. If vacancies occur in the house or senate, the governor shall call a special election to fill the same.

SECTION 15. Every senator and representative shall take an oath

- (a) to support the Constitution of the United States,
- (b) to support the constitution of Missouri,
- (c) to perform the duties of the office, and
- (d) to refuse any money or gift for the performance or non-performance of the duties of his office, other than the compensation allowed by law.

SECTION 16. Compensation of the members of the general assembly. Each member is allowed five dollars per day for seventy days and one dollar per day for additional time. In revising sessions they are allowed five dollars per day for one hundred and twenty days. In the regular session allowances are made for traveling expenses and for postage and stationery. Committees appointed to visit state institutions receive their actual expenses in addition.

SECTION 17. Organization of the house and senate. Each house appoints its own officers and makes the rules by which it is governed. Each house is the sole judge of the qualifications and election of its own members. Each house may punish its own members for disorderly conduct, and with the concurrence of two thirds of all members elect may expel a member.

SECTION 18. A majority of the whole number of members elected to each house shall constitute a quorum, but a smaller

number may adjourn from day to day and may compel the attendance of absent members.

SECTION 19. The sessions of each house shall be held with open doors except in cases which may require secrecy.

SECTION 20. The first meeting shall be on the first Wednesday after the first day of January, 1877, and the general assembly shall meet regularly every two years thereafter.

SECTION 21. Adjournment for more than three days has the effect of *sine die* adjournment.

SECTION 22. Adjournment for less than three days does not interrupt the session.

SECTION 23. Neither house shall adjourn for more than two days without the consent of the other.

LEGISLATIVE PROCEEDINGS

SECTION 24. The style of the laws of the state shall be : "Be it enacted by the General Assembly of the State of Missouri as follows."

SECTIONS 25-42. In these sections the process of lawmaking is fully explained. See Chapter VIII.

LIMITATIONS ON LEGISLATIVE POWERS

SECTION 43. Appropriations must be made in the following order :

- (a) interest on the bonded debt ;
- (b) sinking fund ;
- (c) public school purposes ;
- (d) to pay for the assessment and collection of the revenues ;
- (e) payment of the civil list ;
- (f) eleemosynary institutions ;
- (g) for the pay of the general assembly and for other purposes not prohibited by this constitution.

SECTION 44. Cases in which the general assembly may contract a debt on behalf of the state are as follows :

- (a) for the renewal of existing bonds when they cannot be paid ;
- (b) to meet an emergency, a sum not to exceed two hundred and fifty thousand dollars for any one year may be voted upon the recommendation of the governor ;
- (c) when the sum exceeds two hundred and fifty thousand dollars the bond issue must be submitted to a vote of the people, and a two-thirds majority is necessary to carry the proposition.

SECTION 45. The general assembly shall have no power to give or lend the credit of the state to any individual, association, or corporation.

SECTION 46. The general assembly shall have no power to give public money to any individual or corporation except in case of public calamity.

SECTIONS 47-52. The general assembly shall have no power

- (a) to authorize any subdivision of the state to lend its credit or grant money to any individual or corporation or become a stockholder in any corporation or company ;
- (b) to grant or authorize any county or municipality to grant extra compensation for services already rendered or contracted for, or to pay or authorize the payment of any claim incurred without the express authority of law ;
- (c) to subscribe or authorize the subscription of stock on behalf of the state in any corporation or association ;
- (d) to release or alienate the lien held by the state upon any railroad or change the tenor thereof ;
- (e) to release or extinguish the indebtedness or obligation of any corporation or individual to the state or to any county or municipality thereof ;
- (f) to incur any indebtedness for any war claim under the act of March 19, 1874, or any similar act, until such claim has been paid by the United States to the state of Missouri.

SECTIONS 53-55. The general assembly shall not pass any local or special law upon the subjects outlined, nor in any other case without due notice to those concerned. When convened in extra

session the assembly has no power to act upon subjects other than those included in the governor's call or recommended by him in a special message.

SECTION 56. The general assembly has no power to remove the seat of government from Jefferson City.

ARTICLE V

EXECUTIVE DEPARTMENT

SECTIONS 1-25. The provisions of this article are fully explained in Chapter IX.

ARTICLE VI

JUDICIAL DEPARTMENT

SECTIONS 1-44. The organization and work of this department are sufficiently explained in Chapter X.

ARTICLE VII

IMPEACHMENTS

SECTION 1. State officials may be impeached for the following reasons :

- (a) high crimes and misdemeanors ;
- (b) misconduct, habits of drunkenness, or oppression in office.

SECTION 2. See Chapter VII for the method of procedure, the character of the trial, and the nature of the judgment.

ARTICLE VIII

SUFFRAGE AND ELECTIONS

SECTIONS 1-12. The contents of this article are given in detail in Chapter XIV.

ARTICLE IX

COUNTIES, CITIES, AND TOWNS

SECTIONS 1-19. These sections are explained in Chapters XI and XII.

ST. LOUIS

SECTIONS 20-25. St. Louis may extend its limits and frame a charter for the government of the city thus enlarged. This charter may be amended by vote of the people. It must always be in harmony with and subject to the constitution and laws of Missouri. Also the general assembly shall have the same power over the city as it has over other cities.

ARTICLE X

REVENUE AND TAXATION

SECTIONS 1-21. This article is explained in Chapter XV.

ARTICLE XI

EDUCATION

SECTIONS 1-11. The educational system of the state is explained in Chapter XIII.

ARTICLE XII

CORPORATIONS

SECTIONS 1-11. After the adoption of this constitution no corporation shall be created by special laws (sec. 2). The property and franchises of incorporated companies are fully subject to the rights of eminent domain (sec. 4) and to the police power of the state (sec. 5). No corporation shall engage in any business other than that expressly authorized in its charter (sec. 7). Regulations regarding the voting power of stockholders and their liabilities, and the issuance of stock or bonds (secs. 6, 8, 9, 10).

RAILROADS

SECTION 12. It shall be unlawful for a railroad to charge more for a certain distance than is charged for any greater distance. But excursion tickets may be issued at special rates.

SECTION 13. Any railroad corporation may build a road between any points within the state and may connect at the state line with the roads of other states. Railroad companies shall receive and transport each other's cars, freight, and passengers.

SECTION 14. Railroads are hereby declared public highways, and railroad companies common carriers. The general assembly shall correct abuses and unjust discriminations in rates, and from time to time shall establish reasonable maximum rates.

SECTION 15. Every railroad company doing business in Missouri shall maintain an office in the state, where certain records regarding its stock and its officers are open to public inspection.

SECTION 16. Rolling stock and other movable property shall be considered personal property, and as such is liable to execution and sale.

SECTION 17. The consolidation of parallel or competing lines is strictly forbidden.

SECTION 18. If railroad companies organized in the state consolidate with companies organized under the laws of any other state or of the United States, they do not thereby become foreign corporations; but the state courts retain jurisdiction over them as before. In any case consolidation shall take place only after public notice of at least sixty days to all stockholders.

SECTION 19. The general assembly shall pass no law for the benefit of any corporation or association of individuals that is retrospective in its operation or that imposes on the people of any county or municipality a new liability in respect to transactions or considerations already passed.

SECTION 20. No law shall be passed granting the right to build and operate a street railroad within any city, town, or village, or on any public highway, without first gaining the consent of the local authorities controlling such street or highway.

SECTION 21. No corporation in existence at the time of the adoption of this constitution shall have the benefit of any future legislation except upon the acceptance of all constitutional provisions applicable to railroads.

SECTION 22. No officer of any railroad company shall be interested in furnishing materials or supplies to such company, or in the business of transportation over its lines.

SECTION 23. There shall be no discrimination as regards rates or facilities.

SECTION 24. No railroad company shall grant free passes or tickets to members of the general assembly, to members of the board of equalization, or to any state, county, or municipal officers. The acceptance of a pass by a senator or representative shall be a forfeiture of his office.

BANKS

SECTION 25. No state bank shall be created, nor shall the state own or be liable for stock in any banking company or corporation.

SECTION 26. No banking corporations shall be created by the legislature except banks of deposit or discount, unless such act is submitted to the people and approved by them.

SECTION 27. It shall be a crime for any officer of a bank to receive deposits when he knows that the bank is insolvent.

ARTICLE XIII

MILITIA

SECTION 1. All able-bodied male inhabitants between the ages of eighteen and forty-five, if citizens of the United States, are liable to duty in the militia. A person with religious scruples against bearing arms may be required to make a payment in lieu of such service.

SECTION 2. As far as practicable the regulations for the armies of the United States shall be followed.

SECTION 3. Each company and regiment shall elect its own officers; if they neglect to do so, the governor may appoint them.

SECTION 4. Volunteer companies may be formed in the way prescribed by law.

SECTION 5. The governor shall appoint the staff officers. With the advice and consent of the senate he also appoints all major generals and brigadier generals.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

SECTION 1. The general assembly shall never interfere with the primary disposal of the soil by the United States or with regulations of Congress regarding its ownership. Lands belonging to the United States are exempt from taxation. Lands belonging to nonresidents shall be taxed at the same rate as lands belonging to citizens of the state.

SECTION 2. No person shall be prosecuted for an act performed by him during the Civil War, if such act was done in pursuance of military orders.

SECTION 3. No person who shall fight a duel, or act as a second, or send a challenge, is permitted to hold any office in the state.

SECTION 4. No person holding an office of profit under the United States shall hold an office of profit under the state.

SECTION 5. Officials shall hold office until their successors are duly elected and qualified.

SECTION 6. All officers under authority of the state shall take an oath to support the Constitution of the United States and of the state, and to demean themselves faithfully in office.

SECTION 7. The general assembly shall have power to provide for the removal from office of county, city, town, and township officers for violation or neglect of duty.

SECTION 8. The compensation of state, county, and municipal officers shall not be increased during their term of office ; nor shall their term of office be extended.

SECTION 9. The appointment of all officers shall be made in the manner prescribed by law.

SECTION 10. The general assembly shall have no power to authorize lotteries to do business in this state.

SECTION 11. It shall be the duty of grand juries in the various counties to investigate the official acts of all officers having charge of public funds.

SECTION 12. Members of the general assembly shall, in all cases except treason, felony, or breach of the peace, be free from arrest during the session of the assembly and for the fifteen days immediately preceding and following the session. Also they shall not be questioned elsewhere for anything said in the course of debate.

ARTICLE XV

MODE OF AMENDING THE CONSTITUTION

SECTION 1. The constitution may be amended and revised only in the manner outlined in the following sections.

SECTION 2. The general assembly may propose amendments by a majority vote of the members elected to each house. These amendments shall be published in some newspaper in each county of the state for four consecutive weeks preceding the election. If a majority of the people voting at the next general election vote for the amendment, it is adopted and becomes a part of the constitution.

SECTION 3. The general assembly may authorize a vote of the people on the question of calling a constitutional convention. A majority of those voting at such election may order the convention. The constitution as revised by the convention shall be submitted to the people for ratification, and a majority of those voting is sufficient to ratify it.

SCHEDULE

SECTIONS 1-17. These sections deal with practical details concerning the adoption of the new constitution and the best means of carrying its provisions into effect. They also outline the method of making the transition from the old to the new form of government.

AMENDMENTS ADOPTED

1. 1884. An amendment reorganizing the court of appeals in St. Louis for the eastern district of Missouri, and establishing a similar court in Kansas City for the western district of Missouri.

2. 1890. An amendment providing for seven judges of the state supreme court instead of four.

3. 1892. An amendment to Art. IV, Sec. 47, which declares definitely the right of cities, towns, or villages, to create a fund for the pensioning of firemen or for the relief of their families.

4. 1900. Levy of fifteen cents on one hundred dollars valuation for road and bridge purposes. (Repealed after being declared unconstitutional.)

5. 1900. In civil and criminal cases in courts not of record a jury may consist of less than twelve men, and a two-thirds majority of such jury may render a verdict. In courts of record in civil cases three fourths of the members of the jury concurring may render a verdict. A grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill.

6. 1900. A person shall not be prosecuted for crime otherwise than by indictment or information. The amendment thus legalizes the latter method.

7. 1900. It is provided that no grand jury shall be convened except on the order of a judge of a court having power to try felonies.

8. 1900. The taxing of mortgages and deeds of trust. (Repealed by constitutional amendment in 1902, after being declared unconstitutional by the supreme court.)

9. 1900. Gives the city of St. Louis the right to issue five million dollars' worth of interest-bearing bonds, in aid of the Louisiana Purchase Exposition.

10. 1900. Appropriates one million dollars from the state sinking fund for exhibits at the Louisiana Purchase Exposition.

11. 1902. Repeals Art. X, sections 22-23, concerning taxation.

12. 1902. Provides for the certificates of indebtedness for the public school fund.

13. 1902. Gives power to the city of St. Louis to levy taxes.
14. 1902. To amend charters of cities. (St. Louis.)
15. 1902. To amend the constitution so the cities of St. Louis and Kansas City may refund bonds and issue new bonds.
16. 1902. In cities of one hundred thousand inhabitants or more, the annual rate of taxation on property shall not exceed sixty cents for school purposes and in other districts forty cents.
17. 1902. To provide for township organization.
18. 1902. Cities having not more than three thousand nor less than two thousand inhabitants, by a two-thirds vote may construct waterworks and electric or other lights by voting a tax not to exceed five per cent on the taxable property.
19. 1906. Amendment allowing counties to vote a bonded debt for the purpose of building macadamized roads.
20. 1906. The sheriff and the coroner are to be elected for four years and eligible only four years in any one period.

APPENDIX E

SENATORIAL DISTRICTS

First. The counties of Atchison, Gentry, Nodaway, and Worth.

Second. The county of Buchanan.

Third. The counties of Andrew, Clay, Clinton, De Kalb, Holt, and Platte.

Fourth. The counties of Grundy, Harrison, Livingston, Mercer, and Putnam.

Fifth and seventh. The county of Jackson.

Sixth. The counties of Chariton, Linn, and Sullivan.

Eighth. The counties of Caldwell, Carroll, Daviess, and Ray.

Ninth. The counties of Adair, Macon, and Shelby.

Tenth. The counties of Boone, Callaway, Montgomery, St. Charles, and Warren.

Eleventh. The counties of Audrain, Lincoln, and Pike.

Twelfth. The counties of Clark, Knox, Lewis, Scotland, and Schuyler.

Thirteenth. The counties of Marion, Monroe, Ralls, and Randolph.

Fourteenth. The counties of Camden, Cooper, Howard, Moniteau, and Morgan.

Fifteenth. The counties of Benton, Hickory, Pettis, and Saline.

Sixteenth. The counties of Bates, Cedar, Henry, and St. Clair.

Seventeenth. The counties of Cass, Johnson, and Lafayette.

Eighteenth. The counties of Barry, Lawrence, McDonald, and Newton.

Nineteenth. The counties of Christian, Dallas, Douglas, Ozark, Polk, Stone, Taney, and Webster.

Twentieth. The counties of Barton, Dade, Greene, and Vernon.

Twenty-first. The counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Ripley, and Wayne.

Twenty-second. The counties of Howell, Oregon, Shannon, Texas, and Wright.

Twenty-third. The counties of Mississippi, New Madrid, Pemiscot, Scott, and Stoddard.

Twenty-fourth. The counties of Crawford, Dent, Iron, Phelps, Reynolds, and Washington.

Twenty-fifth. The counties of Franklin, Gasconade, and St. Louis.

Twenty-sixth. The counties of Jefferson, Madison, Perry, St. François, and Ste. Genevieve.

Twenty-seventh. The counties of Cole, Laclede, Maries, Miller, Osage, and Pulaski.

Twenty-eighth. The county of Jasper.

Twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, and thirty-fourth. The city of St. Louis.

APPENDIX F

CONGRESSIONAL DISTRICTS

First. The counties of Adair, Clark, Knox, Lewis, Macon, Marion, Putnam, Schuyler, Scotland, and Shelby.

Second. The counties of Carroll, Chariton, Grundy, Linn, Livingston, Monroe, Randolph, Sullivan.

Third. The counties of Caldwell, Clay, Clinton, De Kalb, Daviess, Gentry, Harrison, Mercer, Ray, Worth.

Fourth. The counties of Andrew, Atchison, Buchanan, Holt, Nodaway, Platte.

Fifth. The county of Jackson.

Sixth. The counties of Bates, Cass, Cedar, Dade, Henry, Johnson, St. Clair.

Seventh. The counties of Benton, Greene, Hickory, Howard, Lafayette, Pettis, Polk, Saline.

Eighth. The counties of Boone, Camden, Cole, Cooper, Miller, Moniteau, Morgan, Osage.

Ninth. The counties of Audrain, Callaway, Franklin, Gasconade, Lincoln, Montgomery, Pike, Ralls, St. Charles, Warren.

Tenth. The county of St. Louis, and a portion of the city of St. Louis.

Eleventh. The city of St. Louis.

Twelfth. The city of St. Louis.

Thirteenth. The counties of Bollinger, Carter, Iron, Jefferson, Madison, Perry, Reynolds, St. François, Ste. Genevieve, Washington, Wayne.

Fourteenth. The counties of Butler, Cape Girardeau, Christian, Douglas, Dunklin, Howell, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Ripley, Scott, Stoddard, Stone, Taney.

Fifteenth. The counties of Barry, Barton, Jasper, Lawrence, McDonald, Newton, Vernon.

Sixteenth. The counties of Crawford, Dallas, Dent, Laclede, Maries, Phelps, Pulaski, Shannon, Texas, Webster, Wright.

APPENDIX G

JUDICIAL CIRCUITS

First. The counties of Clark, Scotland, Knox, and Lewis.

Second. The counties of Schuyler, Adair, Macon, and Shelby.

Third. The counties of Mercer, Harrison, Putnam, and Grundy.

Fourth. The counties of Gentry, Nodaway, Atchison, Worth, and Holt.

Fifth. The counties of Andrew, De Kalb, Clinton, and Platte.

Sixth. The county of Buchanan.

Seventh. The counties of Daviess, Caldwell, Ray, Clay, and Livingston.

Eighth. The city of St. Louis.

Ninth. The counties of Randolph, Howard, Boone, and Callaway.

Tenth. The counties of Monroe, Marion, Ralls, and Pike.

Eleventh. The counties of Audrain, Montgomery, Lincoln, Warren, and St. Charles.

Twelfth. The counties of Sullivan, Linn, Chariton, and Carroll.

Thirteenth. The county of St. Louis.

Fourteenth. The counties of Cole, Maries, Miller, Morgan, Moniteau, and Cooper.

Fifteenth. The counties of Saline and Lafayette.

Sixteenth. The county of Jackson.

Seventeenth. The counties of Cass and Johnson.

Eighteenth. The counties of Camden, Hickory, Polk, Dallas, Webster, and Wright.

Nineteenth. The counties of Crawford, Phelps, Pulaski, Laclede, Texas, and Dent.

Twentieth. The counties of Shannon, Oregon, Howell, and Carter.

Twenty-first. The counties of Jefferson, Washington, Iron, Reynolds, and Wayne.

Twenty-second. The counties of Stoddard and Dunklin.

Twenty-third. The county of Greene.

Twenty-fourth. The counties of Lawrence, Newton, McDonald, and Barry.

Twenty-fifth. The county of Jasper.

Twenty-sixth. The counties of Vernon, Barton, Cedar, and Dade.

Twenty-seventh. The counties of Ste. Genevieve, Perry, St. François, Madison, and Bollinger.

Twenty-eighth. The counties of Cape Girardeau, Scott, Mississippi, New Madrid, and Pemiscot.

Twenty-ninth. The counties of Bates, Benton, Henry, and St. Clair.

Thirtieth. The county of Pettis.

Thirty-first. The counties of Christian, Douglas, Ozark, Stone, and Taney.

Thirty-second. The counties of Franklin, Gasconade, and Osage.

Thirty-third. The counties of Butler and Ripley.

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